



YUMA COUNTY PLANNING & ZONING COMMISSION MEETING PUBLIC NOTICE AND AGENDA

*The Yuma County Planning & Zoning Commission meetings can
also be viewed on the Yuma County Government Cable Channel 77.*

DATE: January 25, 2016
TIME: 5:00 p.m.
PLACE: Aldrich Auditorium, 2351 West 26th Street, Yuma, Arizona

MEMBERS: **Martín Porchas, *Dist. 1***
Tim Bowers, *Dist. 1*
Max Bardo, *Dist. 2*
Paul White, *Dist. 2*
Wayne Briggs, Chairman, *Dist. 3*
Michael Henry, *Dist. 3*
Gary Black, *Dist. 4*
Matias Rosales, *Dist. 4*
Alicia Z. Aguirre, Vice-Chairman *Dist. 5*
John McKinley, *Dist. 5*

STAFF: **Maggie Castro, Planning Director**
Javier Barraza, Senior Planner
Juan Leal-Rubio, Senior Planner
Fernando Villegas, Senior Planner
Kristen Davalos, Office Spec. III
Tricia Ramdass, Executive Assistant

ADVISORS: **Diana Gomez, Director, County Health District**
Joe Wehrle, County Tax Assessor
Edward Feheley, Deputy County Attorney for Jon Smith, County Attorney
Arturo Alvarez, Civil Engineer Assistant for Roger Patterson, County Engineer

Note: A quorum of the Commission may gather for dinner prior to the beginning of the meeting and no legal action will be taken.

1. **Call to Order the Regular Session of the Yuma County Planning & Zoning Commission and verify quorum.**
2. **Pledge of Allegiance.**
3. **Approval of Planning and Zoning Commission regular meeting minutes of December 14, 2015.**

4. **Special Use Permit Case No. 15-07:** Max Bakker, agent for White Wing Ranch North LLC, requests a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility on 12 parcels totaling 1,450 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Numbers 152-04-002; 152-05-002 and -003; 152-09-001, through -005; 152-15-002 and -003; and 152-16-001 and -002, located north of Palomas Road between Avenue 66E and Avenue 68E, Dateland, Arizona.
5. **Presentation and discussion on possible text amendments to the Zoning Ordinance to address Community Gardens.**
6. **Presentation and discussion on possible text amendment to Article VIII-Signs of the Zoning Ordinance in light of *Reed vs. Town of Gilbert*.**
7. **Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**
8. **Adjourn.**

Note: For further information about this public hearing/meeting, please contact Maggie Castro, Planning Director, phone number (928) 817-5000; or e-mail contactdds@yumacountyaz.gov or TDD/TTY (Arizona Relay Service): call in 1-800-367-8939, call back 1-800-842-4681. Individuals with special accessibility needs should contact the individual indicated above before the hearing/meeting with special need requirements.

Note: The Commission may vote to hold an Executive Session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda, pursuant to A.R.S. §38-431(A)(3).

Yuma County
Planning and Zoning
Commission

January 25, 2016

Item No. 3



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
2351 West 26th Street, Yuma, Arizona 85364
Phone: (928) 817-5000
Fax: (928) 817-5020

**YUMA COUNTY PLANNING & ZONING COMMISSION
MEETING MINUTES**

DATE: Monday, December 14, 2015

PLACE: Aldrich Auditorium, 2351 W. 26th Street, Yuma, AZ

1. Call to Order the Regular Session of the Yuma County Planning and Zoning Commission and verify quorum.

Chairman Henry convened the Planning and Zoning Commission meeting at 5:01 p.m. Commissioners present were Michael Henry, Wayne Briggs, Paul White, John McKinley, Tim Bowers, Max Bardo, Martin Porchas, Matias Rosales and Alicia Aguirre. Commissioner Gary Black was absent.

Others present: Planning Director Maggie Castro, Senior Planner Fernando Villegas, Senior Planner Javier Barraza, Deputy County Attorney Edward Feheley and Office Specialist III Kristen Davalos.

2. Pledge of Allegiance.

Chairman Henry led the pledge of allegiance.

3. Approval of Planning and Zoning Commission regular meeting minutes of October 5, 2015.

Commissioner Briggs made a motion to approve the regular meeting minutes from October 5, 2015. Commissioner McKinley seconded the motion. The motion carried 9-0.

4. Approval of Planning and Zoning Commission 2016 Regular Meeting Schedule.

Commissioner Bardo made a motion to approve the Planning and Zoning Commission 2016 Regular Meeting Schedule. Commissioner Aguirre seconded the motion. The motion carried 9-0.

5. Elect a Chairman for Yuma County Planning & Zoning Commission for Calendar year 2016

Commissioner White made a motion nominating Commissioner Briggs as Chairman for calendar year 2016. Commissioner Bardo seconded the motion. The motion carried 9-0.

6. Elect a Vice Chairman for Yuma County Planning & Zoning Commission for Calendar year 2016

Commissioner White made a motion nominating Commissioner Aguirre as Vice-Chairman for calendar year 2016. Commissioner McKinley seconded the motion. The motion carried 9-0.

7. Commission Initiative No. 15-04: A proposed text amendment to the Yuma County Zoning Ordinance, Section 202.00--Definitions to include a definition of Biofuel, Biofuel Production Facility, and Biomass Power Generating Facility and Sections 601.03, 614.03, and 615.02 to list Biofuel Production and Biomass Power Generating Facilities as either a Permitted Use or Special Use, and to include a new Section 302.06--Biofuel Production to include requirements for Biofuel production in Rural Area zoning districts.

Fernando Villegas, Senior Planner, presented the staff report recommending approval of Commission Initiative 15-04 to amend the Yuma County Zoning Ordinance as presented.

Chairman Henry asked staff if the facility in Maricopa is getting some of the product from the Midwest by rail or truck. Fernando Villegas stated that is correct. Commissioner McKinley asked staff if it is known how much water they have to have to produce five hundred thousand gallons. Fernando Villegas went over the table in the staff report that shows the amount of water needed to produce ethanol and biodiesel. Max Bardo asked how that is converted to an acre foot. Fernando Villegas stated that according to the notes, one acre inch equals twenty seven thousand one hundred fifty gallons of water. Chairman Henry asked staff if the water is used in processing or if is used in growing crops. Fernando Villegas stated that the water is used in the growing crops. Chairman Henry asked staff to go back to the map on the presentation that had the two square mile area depicted. Chairman Henry asked staff how much water the two square mile would need. Fernando Villegas answered that the two square mile area is what would be needed to produce five hundred thousand gallons of ethanol. Commissioner Bardo asked staff how much electricity would be needed per gallon or per hundred gallons. Fernando Villegas stated that he is unaware of how much electricity would be needed. Commissioner White asked staff if the public had any comments. Fernando Villegas stated that there were no comments from the public. Commissioner White asked staff if there has been any outreach to any interested parties. Fernando Villegas stated that there has been no outreach. Fernando Villegas stated that there was publication in the newspaper that is required for every public hearing. Commissioner McKinley asked staff what the opposition or concern was from the Board of Supervisors. Fernando Villegas stated that the Board of Supervisors wanted additional information such as how much land was required to produce five hundred thousand gallons of ethanol and Biodiesel. Commissioner Aguirre asked staff who benefits from the biofuel that is produced and who is the biofuel sold to. Fernando Villegas stated that that depends on who is producing biofuels. Commissioner Bowers asked staff if there will be any potential damage to the ground water from the waste. Fernando Villegas stated that in the staff report is listed some of the environmental impacts and one of them is water usage. Fernando Villegas stated that he doesn't think there is a lot of waste being produced from the facility but, the uses of water need to be paid attention to along with the types of crops that are being planted in the area. Commissioner White asked staff how it would relate to the primary use for the Special Use Permit for RA. Fernando Villegas

stated that that is one of the reasons why staff wanted to include limitations in the RA Zoning District.

Chairman Henry opened and closed the public meeting.

Commissioner Bardo left the room.

Commissioner Bowers made a motion to recommend approval of Commission Initiative No. 15-04. Commissioner Rosales seconded the motion. The motion carried 8-0.

Commissioner Bardo returned to the room.

8. **Special Use Permit Case Number 15-06:** Cactus Propane of AmeriGas Propane L. P., agent for the Smallwood Arizona Family LTD, requests a Special Use Permit per Section 612.03(H) of the Yuma County Zoning Ordinance to allow the storage and dispensing of propane on a parcel 1.72 net acres in size, zoned General Commercial (C-2), Assessor's Parcel Number 700-34-007, located at 10247 East South Frontage Road, Yuma, Arizona.

Javier Barraza, Senior Planner, presented the staff report recommending approval of Special Use Permit Case 15-06 subject to the following Operational Conditions and Performance Condition. Staff did not receive comments and/or correspondence regarding Special Use Permit Case 15-06.

Operational Conditions:

- 1) All requirements of the Yuma County Zoning Ordinance shall be met: Including, but not limited to parking, signage, lighting and buffer requirements.
- 2) All requirements of the Yuma County Comprehensive Building Code shall be met in future construction, alternate, or remodeling of buildings.
- 3) All requirements of the Environmental Health laws including, but not exclusively, Arizona Revised Statutes Titles 36 and 49, and Arizona Administrative Code, Rule 9 and 18, shall be met.
- 4) All requirements of the Yuma County Flood Control district shall be met.
- 5) The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require prior approval by the Planning Director.
- 6) The Special Use Permit shall be valid for a period not to exceed five years from the date of the approval by the Board of Supervisors.
- 7) The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m.
- 8) The existing fence located at the south of the property line must be opaque year round or vegetation with a mature height of 10 feet or greater must be planted.

Performance Condition:

- 1) All required permits must be issued to the applicant within six months of approval by the Board of Supervisors and finalized as per appropriate code requirements, including, but not limited to, unpermitted structures, grading permit to ensure proper retention of storm water on-site.

Commissioner Bardo asked if there have been any violations or complaints on this

permit. Javier Barraza answered no, there have not been any violations or complaints. Commissioner White asked if there are any other Special Use Permits for propane facilities. Javier Barraza replied that yes, there are other permits. Commissioner White asked staff if the Special Use Permits are five year permits. Javier Barraza stated yes, they are five year permits.

Chairman Henry opened and closed the public meeting.

Commissioner Aguirre made a motion to recommend approval of Special Use Permit Case No. 15-06. Commissioner Porchas seconded the motion. The motion carried 9-0.

9. Presentation and discussion on possible text amendments to Article VIII-- Signs of the Zoning Ordinance in light of *Reed vs Town of Gilbert*.

Planning Director Maggie Castro stated that this is a presentation for information purposes and that is not a request for a commission initiative. Maggie Castro informed the Planning Commission that staff will now start bringing proposed amendments to the Zoning Ordinance as a presentation to the Planning and Zoning Commission so there is an opportunity to review and comment on the proposed changes or the proposed language that staff drafts before it is brought forward as a request for a commission initiative. Maggie Castro stated that there was a lawsuit filed in the Town of Gilbert that went to the U.S. Supreme Court that was concerning signs. Maggie Castro further explained that Good News Community Church filed a lawsuit challenging the Town of Gilbert's zoning sign ordinance. The Town of Gilbert imposed strict regulations on the church's signs demanding that they be no larger than six square feet and stand for no more than fourteen hours. Political, Ideological and other nonpolitical signs can be up to thirty two square feet in size and can stand for many months and sometimes indefinitely. Because of the town's ordinance which regulates signs based on their content resulting in disfavored treatment of the church's signs, the ordinance is unconstitutional. Staff provided a small example of how the Town of Gilbert's ordinance was applied and also included in the staff report is an example of how Yuma County treats similar types of signs. Based on the fact that the Town of Gilbert's Zoning Ordinance and Yuma County's Zoning Ordinance are similar, Yuma County is also required to comply with the judgment issued in *Reed vs Town of Gilbert*. Staff is proposing changes to the Section 800.09 which is the definition section of Article VIII, Section 810.00--Real Estate Signs, Section 810.02--Political Signs, Section 810.03--Banners, Section 810.04--Special Event or Yard/Garage Sale signs, Section 810.05--Construction Signs, Section 810.06--Portable Signs, Section 810.07--Festoons, Section 810.08--Balloons, Section 810.09--Flags and Symbols, Section 810.10--Enforcement, Section 810.11--Project Information Signs, and removal of Plate VIII-3--Temporary Signs. Included in the Agenda Packet are the proposed changes in strike and bold format so that the Planning Commission can see how the Zoning Ordinance currently reads and how staff is proposing to amend the Zoning Ordinance so that it is in compliance with U.S. Supreme Court's decision in *Reed vs Town of Gilbert*.

Commissioner Bardo asked Maggie Castro what is allowed that hasn't been allowed before. Maggie Castro explained that what the lawsuit did is forbid the regulation of signs based on their content. Maggie Castro explained that a sign for a church that advertizes services or activities cannot be treated differently than a real estate sign for

example. Commissioner Rosales asked Maggie Castro about realty signs. Maggie Castro stated that the intent is to treat all temporary signs the same with the proposed changes. Commissioner Rosales stated that his concern is not being able to have a realty sign up for more than thirty days. Maggie Castro stated that the current Zoning Ordinance restricts real estate signs for up to thirty days. Maggie Castro further explained that it will be required that all temporary signs comply with the thirty day requirement. Commissioner Rosales asked Maggie Castro if the plate is removed will that require permits for a temporary sign. Maggie Castro stated that the permitting information is defined in other sections of the Zoning Ordinance specifying what signs require permits or not and will no longer be included in a table format. Commissioner White asked Maggie Castro how the current code is enforced. Maggie Castro stated that all violations to the Zoning Ordinance are handled on a complaint basis so staff does not proactively cite property owners for violations unless it is in a threat to health, safety and welfare. Maggie Castro explained to the Commissioners that this is draft language and the Commissioners have the opportunity to make changes and to provide input before it is brought back as a request for a commission initiative. Commissioner Rosales stated that he would like staff to do more research on the different types of signs and asked if Gilbert conformed all of the signs. Maggie Castro stated that Gilbert's sign Ordinance was found to be unconstitutional therefore unenforceable. Commissioner Bardo asked Maggie Castro what category feather signs are under because they are not listed. Maggie Castro stated that there is no category in the Yuma County Zoning Ordinance for those types of signs and explained that staff is treating them like banners.

10. Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.

There was no discussion by the Commission members and Planning Director of events attended, current events, and the schedule for further Planning Commission meetings.

11. Adjourn.

The meeting adjourned at 6:13 p.m.

These minutes were approved and accepted on this 25th day of January, 2016.

Witness:
Wayne Briggs
Chairman

Attest:
Maggie Castro
Planning Director

Yuma County
Planning and Zoning
Commission

January 25, 2016

Item No. 4

AIR-6749

4.

P&Z Commission Agenda

Meeting Date: 01/25/2016

Submitted For: Maggie Castro

Submitted By: Juan Leal-Rubio

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Special Use Permit Case No. 15-07: Max Bakker, agent for White Wing Ranch North LLC, requests a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility on 12 parcels totaling 1,450 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Numbers 152-04-002; 152-05-002 and -003; 152-09-001, through -005; 152-15-002 and -003; and 152-16-001 and -002, located north of Palomas Road between Avenue 66E and Avenue 68E, Dateland, Arizona.

2. INTENT:

The applicant intends to develop a 210 megawatt (MW) photovoltaic (PV) solar power generating facility.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of this request subject to the Operational and Performance Conditions listed on the attached staff report.

Attachments

Staff Report

Case Map

Site Plan

Dev Eval Checklist

Supporting Doc

External Comments

Internal Comments



STAFF REPORT TO THE COMMISSION

January 25, 2016

Special Use Permit Case No. 15-07

REQUEST: A Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility on 12 parcels totaling 1,450 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Numbers 152-04-002; 152-05-002 and -003; 152-09-001, through -005; 152-15-002 and -003; and 152-16-001 and -002, located north of Palomas Road between Avenue 66E and Avenue 68E, Dateland, Arizona.

APPLICANT: Max Bakker, agent for White Wing Ranch North, LLC.

Application is within Supervisor District 3, Supervisor Russ Clark. Planning Commissioners Wayne Briggs and Michael Henry. Staff report prepared by Juan Leal Rubio, Senior Planner.

LOCATION: From the intersection of Interstate 8 and Avenue 64E (Exit 67), turn north (left) on Avenue 64E and travel approximately nine miles until Avenue 64E turns into Palomas Road. Veer east (right) onto Palomas Road and travel approximately four miles to the alignment of Avenue 68E on the north side of Palomas Road. Turn north (left) over the railroad and to the portion of the Palomas-Harquahala Road that was improved as part of the Agua Caliente Project, then travel north on the improved access road for about 2.3 miles to the site entrance.

INTENT:

The applicant intends to develop a 210 Megawatt (MW) photovoltaic (PV) solar power generating facility.

Project Description:

This is a planned 1,450-acre, 210 MW solar energy project using PV technology. PV technology uses modules that are generally non-reflective and convert sunlight into direct current (DC) electricity. The DC output of multiple rows of PV modules is collected through one or more combiner boxes and directed to an inverter that converts the DC electricity to alternating current (AC) electricity. From the inverter, the generated energy flows to a transformer where it is stepped up to distribution level voltage (approximately 34.5 kV). Multiple transformers are connected in parallel via 34.5 kV

lines to the project substation, where the power will be stepped up to 500 kV. This substation will be located at the southern end of the site. From the project substation, the project will interconnect to the grid via a new 500 kV line or 34.5 kV lines constructed from this location to the existing Hoodoo Substation about 3.0 miles to the south. In comparison, the existing Agua Caliente Solar Project that is directly south of the subject property was approved by the Board of Supervisors in September 2009 with Special Use Permit Case Number 09-05 (SUP09-05). The Agua Caliente Solar Project is a 290 MW solar power generating facility developed on 2,400 acres of land that became operational in 2014.

According to the applicant, the White Wing Solar Project will utilize First Solar's thin-film PV modules to produce clean, renewable energy. The PV panels will be mounted on single-axis trackers. Using single-axis horizontal trackers, the panels will be oriented in north-south rows with the panels moving to track the sun as it moves across the sky during the day. The trackers include low voltage electric drive motors, controller equipment, backup power supply, meteorological station, and anemometers.

The PV modules will produce the electricity generated by the project by converting sunlight directly into electricity. The major equipment in the solar field includes the following:

- First Solar PV modules;
- Single-axis tracking supports;
- Power Conversion Stations (PCS);
- DC collection system comprised of underground DC cabling and combiner boxes;
- Medium voltage (34.5 kV) collection system from the PCS locations to the project substation;
- Photovoltaic Combining Switchgear (PVCS) or sectionalizing cabinets;
- A Project Substation with 34.5 kV to 500 kV high voltage step-up transformer (SUT), breakers, and associated substation equipment;
- Meteorological stations;
- Possible O&M building with parking, and;
- Telecommunications equipment.

SITE CONDITIONS:

The subject property is part of the White Wing Ranch and is approximately 1,450 acres in size. The project site, previously leased to Del Monte Fresh Produce, has been leveled and used for irrigated agricultural production. There are several existing mobile homes and site built dwellings that are utilized for labor housing and agricultural buildings used for agricultural processing in the White Wing Ranch. The adjacent southern portion of the White Wing Ranch was developed as the Agua Caliente Solar Project. The main access for the property site is from Palomas Road which is at the southern border of the adjacent Agua Caliente Solar Project, then following the portion of a paved access road 20 feet in width, which was improved as part of the Agua Caliente Solar Project, for a distance of approximately 2.3 miles to the site entrance.

Surrounding zoning and land uses: The subject properties, as well as the surrounding properties in all directions, are zoned RA-40. Properties to the east and west are under Federal jurisdiction. The northern most parcels of the subject site (152-05-002, and -003) are owned by the State of Arizona and the property abutting the south parcels of the subject site which is the location of the Agua Caliente Solar Project (Figure 1). All surrounding properties, with the exception of the Agua Caliente Solar Project, currently remain as open undeveloped desert.

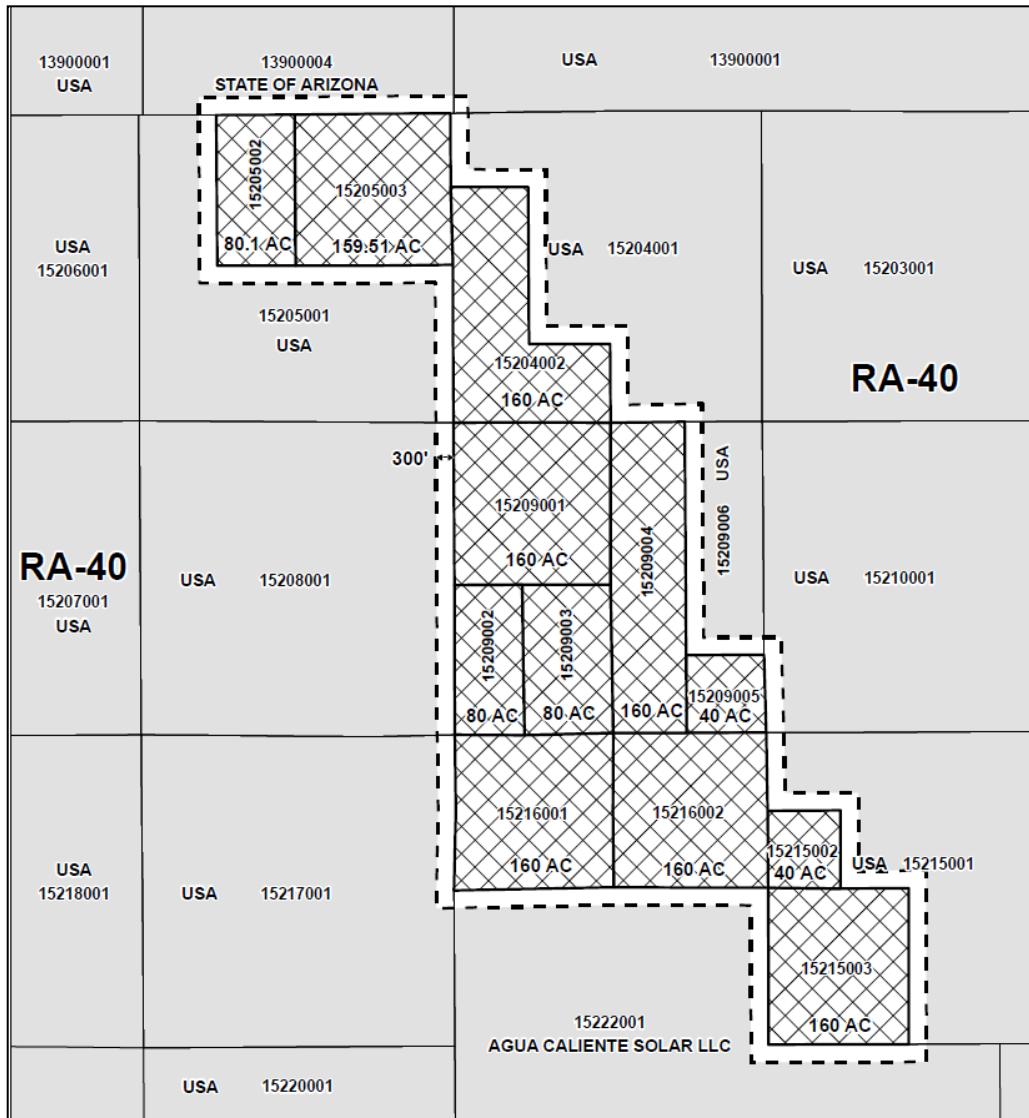


Figure 1

The purpose of the RA zoning district is to conserve and preserve farms, agriculturally related resources, continued agricultural use and other open space land uses for fostering orderly growth in rural area, preventing urban and agricultural land use conflicts, and allowing rural lot development with an emphasis on preserving the character of farming

communities. Permitted uses in this zoning district include residential uses on large parcel sizes, farms, agriculturally related land uses, and open space or recreational uses.

The subject parcel is located in the Dateland/East County Planning Area of the 2020 Comprehensive Plan. The land use designation is Agricultural/Rural Preservation (A-RP) which allows a residential density of one dwelling unit per 40 acres. A change to the land use designation is not triggered via the Special Use Permit process.

The subject property is within Hyder School District No. 16 and Antelope Union High School District No. 50. The nearest elementary school is Dateland Elementary School, located at 1300 South Avenue 64E and teaches grades Kindergarten through 8th. It is approximately 15 miles from the subject site. The nearest high school is Antelope High School located at 9168 South Avenue 36E near Tacna, Arizona. It is approximately 48 miles from the subject site.

The subject property is not located within a six-minute fire/emergency response time radius. The nearest fire response would entail volunteers located in Dateland, then from Tacna and lastly, from the Town of Wellton.

The subject property is not located within the ten-minute response time radius by the Yuma County Sheriff's Department. The Sheriff's response would arrive from the Town of Wellton's Sheriff Substation which is located approximately 60 driving miles away from the subject parcel.

The subject property is not located within three miles of the Barry M. Goldwater Range (BMGR), and is not located within a High Noise or Accident Potential Zone.

CRITICAL ISSUES:

Required Conclusions from Yuma County Zoning Ordinance: (Section 402.01)

1. The proposed development will not materially affect or endanger the public health, safety or welfare.

The proposed solar electric generating facility (named White Wing Solar) is not seen as materially affecting or endangering the public health, safety and welfare for the following reasons: 1) The proposed use will not create a significant increase in traffic after it is built, and 2) The proposed use will not create negative externalities and will be seen as augmenting an identical land use recently established to the south.

2. The proposed development complies with all regulations and standards applicable within the zoning district, specifically applicable to the particular type of special use or class of special uses.

The proposed development will be required to comply with all applicable regulations and standards associated with the RA-40 zoning district including, but not limited to, height, screening and setbacks. From the proposed site plan, it appears the applicable sections of the Zoning Ordinance will be met.

3. The proposed development will not substantially change or materially affect the adjoining property or the surrounding area.

The construction of a 210MW solar electric generating facility will not substantially change and will not materially affect the surrounding area. It helps that the existing 290MW Agua Caliente Solar facility is already operational, since the White Wing Solar facility is of a smaller scale but has the same compatible use for the area. We have learned overtime that these solar facilities do not produce negative externalities if designed and constructed in a proper fashion.

4. The proposed development will be in harmony with the area in which it is located.

The proposed development will be in harmony with the area in which it is located. In accordance with the Yuma County 2020 Comprehensive Plan, one of the policies and priorities specific for the Dateland/East County Planning Area is to "Promote the construction of solar or wind power plants." The proposed project would help meet this goal.

ORDINANCES, CODES AND REGULATIONS THAT PERTAIN TO THE APPLICATION:

- Yuma County 2020 Comprehensive Plan
- Yuma County Zoning Ordinance
- Yuma County Comprehensive Building Code
- 2003 International Fire Code
- Environmental Health Laws (ARS Titles 36 and 49)
- Yuma County Flood Control District
- Yuma County Public Works Standards Volumes I, II and III

SUMMARY NOTES:

Support Staff Summary: The application is on file along with the comments from Yuma County staff. The Building Safety Division offered the following comment: "All construction to meet the minimum requirements of the Yuma County Comprehensive Building Safety Code." The Environmental Programs Division verbally stated they have no comment. The Engineering Division offered the following comments: "Site Plan needs to identify a 66' YC R/W between Hyder Road and 1 mile northerly per Doc. 797, pg. 700.", and "The Engineering Division supports ADOT's request for a Traffic Impact

Study. All improvements will be constructed in accordance with the recommendations of the Traffic Impact Study."

LETTERS OF SUPPORT, OPPOSITION, AGENCY, MILITARY, SPECIAL INTEREST, etc: Various agencies responded with a "no comment" or "satisfactory" response. The following agencies provided more specific comments:

1. In an email dated December 10, 2015, Vanessa Briceño, representing the Bureau of Land Management-Yuma Field Office, offered the following comment: "This email is to confirm receipt of the information you have submitted...We are aware of the White Wing Project and have been in contact with the consultant that is working on this project. I don't know if we will have any comments but will notify you as soon as possible if we do."

2. In an email dated November 30, 2015, Isabell Garcia, representing the Arizona Department of Transportation (ADOT) Southwest (Yuma) District, stated that ADOT requests a traffic study, and offered the following comments (excerpt):

"... This study would not need to be a full-blown traffic impact analysis meeting all the criteria in Section 240 of the Department's traffic engineering guidelines and processes (TGP). All we need for this study are projected daily average traffic volumes, peak morning and afternoon hourly traffic volumes for privately-owned vehicles during construction along with any variations anticipated during construction; volumes, weights, and maximum lengths for trucks; directional analysis of the traffic; a queuing analysis at the traffic interchange(s) expected to be used completed according to the TGP; and recommendations for mitigations measures, if any. If other sources of traffic exist, then their synergistic effects on traffic during construction should also be addressed.... The traffic study and other information requested would allow ADOT and the county to identify any road improvements needed to maintain safe and efficient traffic flow during the construction period."

3. In an email dated December 10, 2015, Judith Movilla, representing the Yuma Proving Grounds, offered the following comment: "Yuma Test Center has no objection to the proposed solar facility with the understanding that the United States Army and the Yuma Proving Ground will not be held responsible/liable for any damage that occurs to facility due to the effects of explosive operations or any other testing/training operation that is or may be conducted within the land space and airspace of the Yuma Proving Ground."

4. In a memo dated December 16, 2015, Michele Hill, representing Southwest Gas, offered the following comment: "Southwest Gas has facilities in project limits, need further field visit and locates to determine if conflicts exist...."

5. In a letter dated January 8, 2016, Lisa Law, representing Time Warner Cable, offered the following (excerpt) comment: "We have provided maps showing where our services are located but cannot make any comment on how to deal with possible conflicts during construction. This type of information should come from the Construction Manager, Supervisor or Construction Coordinator for the area in question....Construction Manager Contact: Lee Hobson...(760)674-5455."

6. In a letter dated December 16, 2015, William Knowles, representing the Arizona Game and Fish Department, offered the following (excerpt) comment: "...The Heritage Database Management System was accessed and there are no observational records of special status species within 5 miles of the facility. For these reasons we do not anticipate significant impacts to wildlife will result from this project...."

Citizen Comments: As of January 10, 2016, planning staff has received no comments about the request from the general public.

Development Evaluation Checklist (DEC): The Development Evaluation Checklist identifies the following Impact Categories: Conformance to Existing Plans; Land Use Compatibility; Natural Resources; Public Infrastructure; Natural Environmental Conditions; Manmade Environmental Conditions; and Health, Safety and Welfare. A point system is used to score whether a proposal should likely be approved or denied. Of a possible maximum score of 300, the total score for this proposal is **275**. A score of 275 to 300 represents a high score and a score in this range represents a proposal that should likely be approved. The proposal is likely to be in compliance with adopted land use plans, policies and objectives and is compatible with surrounding development. A score from 250 to 274 is a moderate score and a score falling within this range represents a proposal that likely contains some redeeming values, but is lacking in one or more areas. A low score is 249 or less and a represents a proposal that likely should not be approved.

The Development Evaluation Checklist score is less than 300 due primarily to the project site's remote location, and such not being located within either a 6-minutes emergency response radius or a 10-minute sheriff department response radius

CHRONOLOGY:

11-05-15	Application received
01-04-16	Property posted for Planning Commission public hearing
01-06-16	Legal ad appears in the Yuma Sun for the Planning Commission's public hearing
01-08-16	Public notice mailed to properties within 300 feet of the request, the City of Yuma and all relevant agencies/stakeholders
01-14-16	Staff report and letter mailed informing applicant of item being placed on the Planning Commission's public hearing agenda
01-25-16	Planning Commission's public hearing

RECOMMENDATION:

Staff recommends approval of this request for the following reasons: 1) The proposed development will not materially affect or endanger the public health, safety or welfare; 2) The proposed development will not substantially change or materially affect the adjoining property or the surrounding area; 3) The proposed development will be in harmony with the area in which it is located. Staff suggests attaching the following Operational and Performance Conditions.

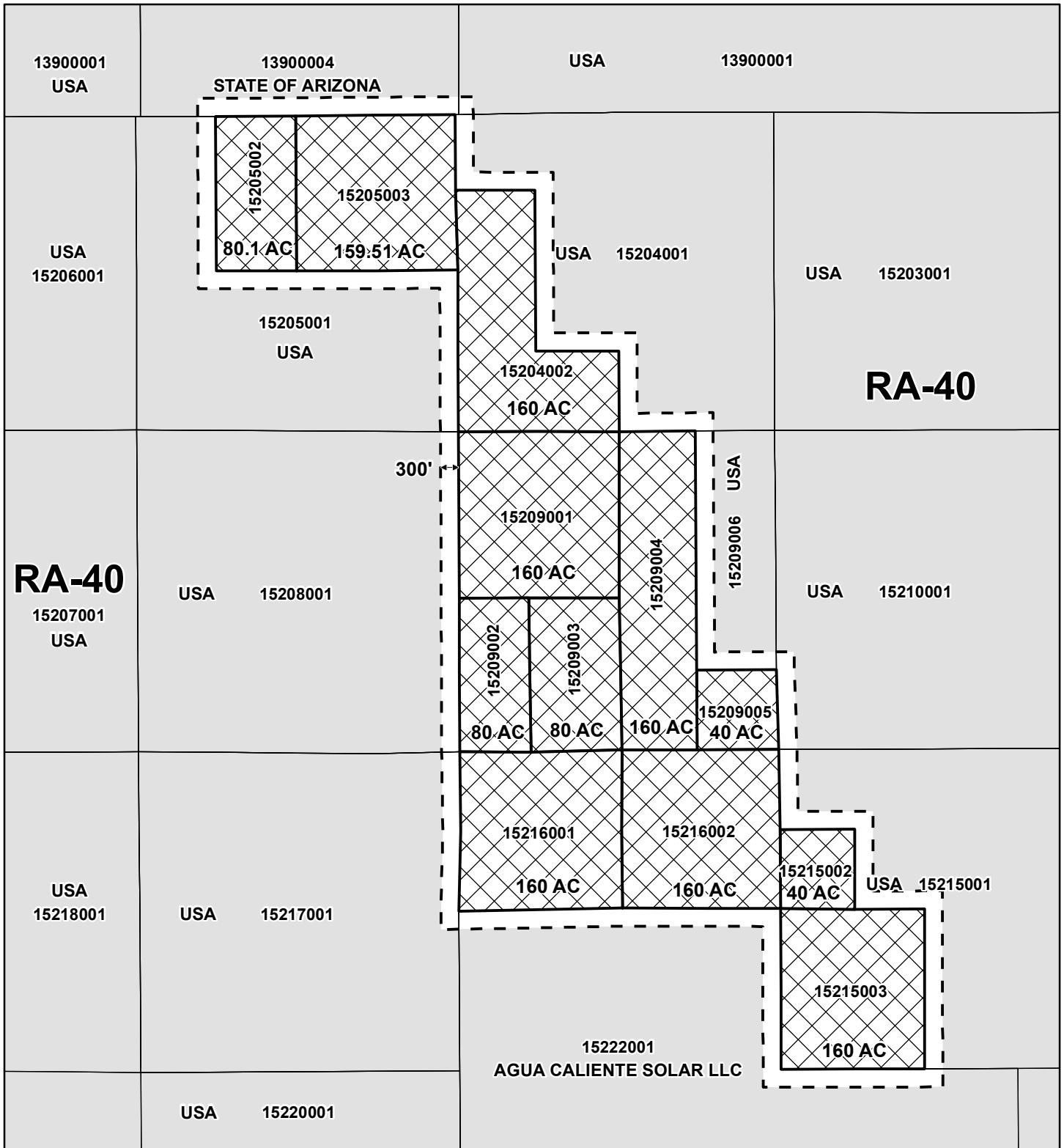
Operational Conditions.

- 1) All requirements of the Yuma County Zoning Ordinance shall be met.
- 2) All requirements of the Yuma County Comprehensive Building Safety Code shall be met in future construction, alteration, or remodeling of buildings.
- 3) All requirements of the Environmental Health laws including, but not exclusively, Arizona Revised Statutes Titles 36 and 49, and Arizona Administrative Code, Rule 9 and 18, shall be met.
- 4) All requirements of the Yuma County Flood Control District shall be met.
- 5) The owner/operator shall maintain and make copies available to Yuma County, current copies of all permits and notices from submissions to any federal, state, or local regulatory authority.
- 6) The owner/operator shall employ a chief safety professional and provide a 24 hour emergency contact phone number.
- 7) The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to the Yuma County Zoning Ordinance.

Performance Conditions.

- 1) All owners, or their agents, must provide an A.R.S. §12-1134 waiver within 60 days of the Board of Supervisors approval.
- 2) The applicant shall combine the existing six parcels into one Yuma County Tax Assessor parcel within 60 days of the Board of Supervisors approval.
- 3) The applicant must install a security fence six feet in height along the perimeter of the area of the installation of solar panel modules.

- 4) The applicant must install a sign warning of the high voltage associated with the solar farm at the entrance to the facility. The sign must also provide the emergency contact information.
- 5) Post project construction, dust palliative shall be applied to the soil for dust control mitigation.
- 6) Prior to construction, applicant must provide to the Planning Director evidence of a valid decommissioning bond; if not verifiable to the County's satisfaction, then the applicant/SUP holder shall maintain a bond in the amount of the full decommissioning cost at the end of the anticipated life of the project, net of salvage value, as estimated by a Professional Engineer registered in the State of Arizona. Said bond shall be reviewed and approved as to form, substance and amount by the Yuma County Engineer. The engineer's estimate of decommissioning cost shall be renewed no less than every five years by a Professional Engineer registered in the State of Arizona, and a copy of each renewed estimate shall be provided to the County Engineer for review and approval. The decommissioning bond shall be adjusted in accordance with the renewed cost estimate within 30 days after approval by the County Engineer.
- 7) Prior to construction, a Traffic Impact Analysis, covering expected construction period, shall be completed in accordance with Section 204 of the Arizona Department of Transportation's traffic engineering guidelines and processes (TGP), which analysis shall address: A) projected daily average traffic volumes, peak morning, and afternoon hourly traffic volumes for privately-owned vehicles during construction along with any variations anticipated during construction; B) volumes, weights, and maximum lengths for trucks; C) directional analysis of the traffic; D) a queuing analysis at the traffic interchange(s) expected to be used completed according to the TGP; and, E) any recommendations for mitigations measures.
- 8) All required permits must be issued to the applicant within two years of Board of Supervisors' approval and finalized as per appropriate code requirements or the Special Use Permit shall expire pursuant to the Yuma County Zoning Ordinance.



DEPARTMENT OF
DEVELOPMENT
SERVICES

PLANNING & ZONING DIVISION
2351 W. 26TH STREET
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: SUP15-0007

LOCATION: T5SR12W PT OF SEC 4,5,9,15 & 16

APN(s): 152-04-002, 152-05-002, 152-05-003, 152-09-001, 152-09-002, 152-09-003, 152-09-004, 152-09-005, 152-15-002, 152-15-003, 152-16-001, 152-16-002

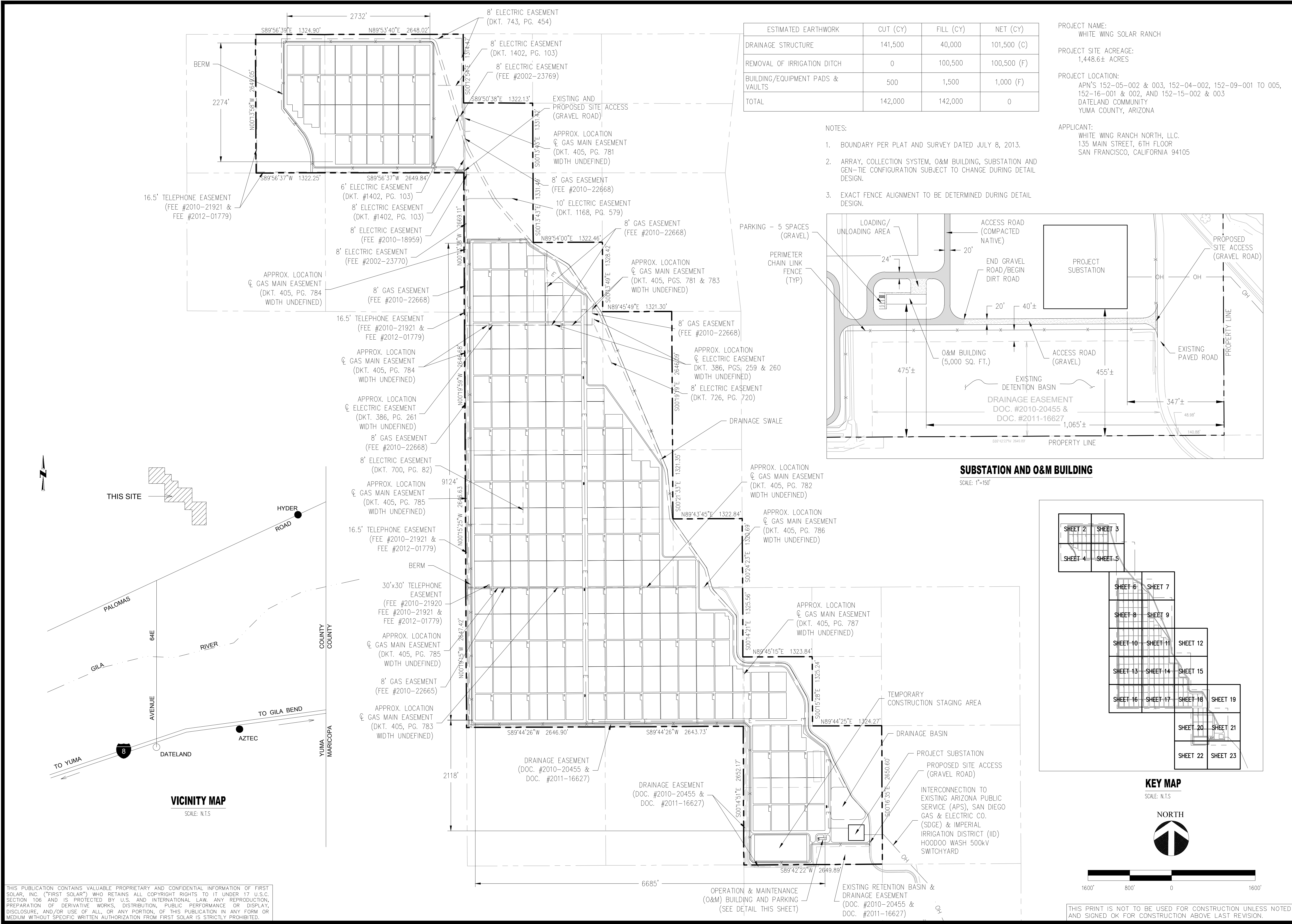
CASE PLANNER: Juan Leal Rubio
DATE DRAWN: 11/24/15
REVIEWED BY: F. Villegas, 11/24/15

0 1,250 2,500 Feet



Legend

- SUBJECT PROPERTY
- ZONING
- 300' BUFFER



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Yuma County 2020 Comprehensive Plan			
Development Evaluation Checklist			
Case No.: SUP15-07		Owner/Agent: White Wing Ranch North, LLC/Kunz	
Current Zoning:	RA-40	Proposed Zoning:	N/A
		Acreage:	1,450 gross
IMPACT CATEGORY I.			
CONFORMANCE TO EXISTING PLANS		YES	NO
			SCORE
1	The proposal is consistent with the Yuma County 2010 Comprehensive Plan, Joint Land Use Plan (JLUP), area plans, and other applicable county, state, or regional plans.	25	0
2	The proposed project reduces open space or rural preservation areas identified in the Yuma County 2010 Comprehensive Plan.	0	10
3	The proposed use is consistent and compatible with overlay zoning districts applicable to the subject parcel such as the Airport District, Gila Mountain, or Visual Corridor overlay zones.	10	0
IMPACT CATEGORY II.			
LAND USE COMPATIBILITY			
4	The proposed use is the same or similar to the uses in the surrounding vicinity.	25	0
5	The proposed density is the same or similar to the existing density in the surrounding vicinity.	25	0
6	The location of the project is appropriate considering proximity to existing transportation, shopping, services and employment.	25	0
IMPACT CATEGORY III.			
NATURAL RESOURCES			
7	The project, or a part of the project is located within the 100-year floodplain or floodway.	0	10
8	The subject parcel is located in an area of known high groundwater or a surface water source is present	0	5
9	The project will result in the loss of prime and/or unique farmland.	0	15
IMPACT CATEGORY IV.			
PUBLIC INFRASTRUCTURE			
10	Adequate improvements to the existing transportation system are proposed (i.e., intersection improvements, road widening, turn lanes, etc.) to accommodate the anticipated increase in traffic, or the development will not result in an increase in traffic.	15	0
11	Any public right-of-way necessary to accommodate the development has been or is proposed to be dedicated.	5	0

12	A traffic impact study is either not required, or if required has been completed indicating the conclusions and recommendations for improvements.	5	0	5
13	A public or private water system, or an on-site water source, will adequately serve the proposed development	5	0	5

IMPACT CATEGORY V.**NATURAL ENVIRONMENTAL CONDITIONS**

14	The project site contains endangered or threatened animal or plant species, or contains ecologically sensitive land.	0	5	5
15	The project site contains earthquake fault lines, fissures, cracks, sinkholes, craters, or is within an earthquake liquefaction area.	0	5	5
16	Soils within the project area are stable and suitable for the proposed development.	5	0	5
17	There are visual indications of previous slides, slumps or other soil problems (cracked walls and foundations, tilted trees or fences, settling, flooding, etc.) in the project area.	0	5	5
18	The site contains slopes of 12% or greater.	0	5	5

IMPACT CATEGORY VI.**MANMADE ENVIRONMENTAL CONDITIONS**

19	The site contains fossils, artifacts, relics, monuments, or structures of archaeological or cultural significance.	0	5	5
20	Given the existing noise and estimated future noise levels of the area, the site is appropriate for the proposed activities and facilities.	5	0	5
21	The project will increase PM ₁₀ (particulate matter 10 microns or less diameter) or other air pollution levels in the vicinity.	0	5	5
22	The proposed project will release emissions such as nitrates, sulfates, or organic carbons into the air, which may reasonable be anticipated to causes or contribute to regional haze or impairment of visibility.	0	15	15

IMPACT CATEGORY VII.**HEALTH, SAFETY, AND WELFARE**

23	Physical access to the site is traversable by a two-wheel drive passenger motor vehicle.	15	0	15
24	Access to or within the site is via a non-paved surface (which increases the amount of particulates such as soot or dust in the air).	0	10	10
25	Response time for emergency vehicles (Rural/Metro ambulance and fire) is 6 minutes or less, and 10 minutes or less for law enforcement (Sheriff's Dept.).	10	0	0

26	A legal public right of vehicular ingress and egress exists to and from the parcel.	10	0	0
27	The proposed land use is an allowed use according to the Yuma County Zoning Ordinance Airport District Land Use Matrix.	10	0	10
28	Elementary, middle, and high schools serving the subject property will be able to accommodate any projected enrollment increases within existing capacities.	10	0	10
TOTAL SCORE				275
MAXIMUM POSSIBLE SCORE				300

HIGH SCORE

Total score is 275 to 300.

A score falling in this category represents a proposal that likely should be **approved**.

The proposal is likely to be in compliance with adopted land use plans, policies, and objectives, has good access, and is compatible with surrounding development.

MODERATE SCORE

Total score is 250 to 274.

A score falling in this category represents a proposal that likely contains some redeeming qualities but is lacking in one or more areas.

Proposals within this score range typically should be more carefully considered.

LOW SCORE

Total score is 249 or less

A score falling in this category represents a proposal that likely should be **denied**.

The proposal likely does not comply with several adopted land use policies, goals, or objectives, may not have physical or legal access, or may not be compatible with surrounding development.

Prepared by: Fernando Villegas

SPECIAL USE PERMIT APPLICATION

WHITE WING SOLAR PROJECT



SUBMITTED BY:

WHITE WING RANCH NORTH, LLC

135 MAIN ST. – 6TH FLOOR
SAN FRANCISCO, CA 94105

OCTOBER 2015

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1.0 INTRODUCTION

White Wing Ranch North, LLC (Applicant) requests a Special Use Permit (SUP) from Yuma County for construction of the White Wing Solar Project (Project).

The White Wing Solar Project is a proposed approximately 210 megawatt (MW) solar energy project using photovoltaic (PV) technology. It is located in Yuma County approximately 10 miles north of I-8 and Dateland, Arizona. This location is also about 45 miles west of Gila Bend and 65 miles east of Yuma. **Figure 1** shows the general location of the project.

The White Wing Solar Project site is located on private lands north of and adjacent to the existing Agua Caliente Solar Project north of Palomas / Hyder Road. This land has long been used for agriculture. The site and surrounding area is zoned Rural Area (RA)-40 by Yuma County. The RA-40 zoning allows as special uses public or private utility installations for electric generating or transmission facilities such as those proposed for this Project. The planned land use for this area is Agriculture / Rural Preservation (A-RP). Figure 2 shows the zoning and planned land use for the area.

The White Wing Solar Project is an appropriate use for this location for the following reasons:

- This Project will help meet the state and regional need for renewable energy and reduce dependence on fossil fuels.
- The high solar radiation, available water, relatively flat site, and access to the regional transmission system make this location very well suited for the proposed use.
- There will be socioeconomic benefits derived from the Project including short-term benefits from construction (employment, retail and service sectors opportunity) and long-term benefits from tax revenues, increased reliability of the regional electrical system, and approximately 5 operational jobs.
- The existing disturbance of this Site (from agriculture) eliminates the need to disturb native desert to develop the Project.
- While agricultural land would be taken out of production for the life of the Project, the presence / operation of the Project would not impact any nearby agricultural lands, and the Project Site could be returned to agriculture at such time that the Project is decommissioned.
- The RA-40 zoning applied to this area allows as special uses public or private utility installations for electric generating or transmission facilities such as this Project.
- The Project will not contribute to a significant worsening of traffic safety or otherwise have an inordinately negative impact on nearby properties

- The Project will not negatively affect the health and safety of persons residing or working in the area.
- This Project is substantially in conformance with the 2010 Yuma County Comprehensive Plan, as adopted.

On August 12, 2015, the Applicant attended a Pre-Application meeting for the SUP with Yuma County Planning staff. During that meeting the proposed White Wing Solar Project and SUP application requirements were discussed and a Pre-Development Checklist was completed by Yuma County (included in **Appendix A**).

This application package has been organized to directly respond and provide information that is required in the following documents:

- Yuma County Pre-Development Checklist
- Yuma County Zoning Ordinance Section 402.00 Special Use Permits
 - Section 402.1 General Purpose and Considerations
 - Required Conclusions
 - Section 402.02 Procedures for Reviewing Special Use Permit Applications

2.0 PROPOSED USE

2.1 Project Description

The White Wing Solar Project would use PV modules that are generally non-reflective and convert sunlight into direct current (DC) electricity. The DC output of multiple rows of PV modules is collected through one or more combiner boxes and directed to an inverter that converts the DC electricity to alternating current (AC) electricity. From the inverter, the generated energy flows to a transformer where it is stepped up to distribution level voltage (approximately 34.5 kV). Multiple transformers are connected in parallel via 34.5 kV lines to the Project substation, where the power will be stepped up to 500 kV. This substation will be located at the southern end of the Site. From the Project substation, the Project will interconnect to the grid via a new 500 kV line or 34.5 kV lines constructed from this location to the existing Hoodoo Substation about 3.0 miles to the south.

2.2 Property Description

The White Wing Solar Project will be located on approximately 1,450 acres that were a portion of a private agricultural property referred to as the White Wing Ranch. The adjacent southern portion of the White Wing Ranch was developed as the existing Agua Caliente Solar Project.

The White Wing Solar Project site has been leased to Del Monte Fresh Produce (Southwest) for agricultural use.

The Project Site includes approximately 1,450 acres in Sections 4, 5, 9, 15, and 16 of T5S, R12W, G&SRBM, Yuma County, Arizona. **Figure 3** shows the boundary of the Site and the included parcels.

Access to the Site is provided via the existing Palomas / Hyder Road Road which is at the southern border of the adjacent Agua Caliente Solar Project. An abandoned segment of the Union Pacific Railroad (UPRR) is adjacent to the road. In addition, the existing Hassayampa to North Gila 500 kV transmission line corridor parallels the railroad and road and interconnects to the Hoodoo Wash Substation. The newly built Hassayampa – North Gila #2 500kV Line (HANG2) also follows this same corridor but does not connect to Hoodoo Wash Substation.

This is an unincorporated part of Yuma County. There are no municipal jurisdictions within 20-miles of the White Wing Solar Project site. The unincorporated community of Dateland is located approximately 13 miles south of the Site along I-8.

The Project would be located on the following parcels:

- 15204002
- 15205002
- 15205003
- 15209001
- 15209002
- 15209003
- 15209004
- 15209005
- 15215002
- 15215003
- 15216001
- 15216002

2.3 Site Plan

The White Wing Solar Project will utilize First Solar's thin-film PV modules to produce clean, renewable energy. The PV panels will be mounted on single-axis trackers. Using single-axis horizontal trackers, the panels will be oriented in north-south rows with the panels moving to track the sun as it moves across the sky during the day. The trackers include low voltage electric drive motors, controller equipment, backup power supply, meteorological station, and anemometers.

At full build-out, most of the Site will be disturbed by construction of the Project and approximately 900 acres will be covered by solar arrays. **Figure 4** is a conceptual site plan showing the potential layout of the solar project. Temporary construction lay down, construction trailers and parking areas will be provided within the Project Site and the lay down areas will be relocated periodically within the solar field as the Project is built out.

Solar Field and Generation System

The PV modules will produce the electricity generated by the Project by converting sunlight directly into electricity. The major equipment in the solar field includes the following:

- First Solar PV modules
- Single-axis tracking supports
- Power Conversion Stations (PCS)
- DC collection system comprised of underground DC cabling and combiner boxes
- Medium voltage (34.5 kV) collection system from the PCS locations to the project substation
- Photovoltaic Combining Switchgear (PVCS) or sectionalizing cabinets
- A Project Substation with 34.5 kV to 500 kV high voltage step-up transformer (SUT), breakers, and associated substation equipment
- Meteorological stations
- Possible O&M building with parking
- Telecommunications equipment

As mentioned above, in addition to the structures associated with the solar field, the Project could include an operations and maintenance (O&M) building at the south end of the Site. During operations, the O&M building would have potable water from existing on-site wells and possibly a septic system. The design and construction of the buildings, solar arrays (panels, etc.) will be consistent with County building standards.

Grading and Drainage

The Project is located on property that has been previously leveled and used for irrigated agricultural production. As a result, little new grading would be done on the Project Site. The soil surface will be smoothed and compacted to prepare the Site for installation of the solar panels. The site will be disked with conventional farming equipment with use of scrapers and other earth-moving equipment to perform spot grading where needed.

Most of the Project Site will be drained by sheet flow to on- and off-site drainages as it is currently configured. Local containment will be provided around the high-voltage transformers within the Project substation to prevent any associated hazardous materials from leaving the site.

Site Access / Traffic and Circulation

Access to the Project Site will be via the Dateland interchange on I-8 Yuma at Dateland, Arizona. From the Dateland interchange, access to the Project Site will be approximately nine (9) miles north on 64E Avenue, then approximately four (4) miles east on Palomas / Hyder Road to the portion of the Palomas-Harquahala Road that was improved as part of the Agua Caliente Project, the north from this intersection about 2.3 miles on the improved road to the Site entrance.

There is currently little traffic on any of the roads bordering or in the immediate vicinity of the project. The use on these roads is associated with the adjacent Agua Caliente solar project, surrounding agriculture, and to provide access to the small number of residences in the area. Because of the relatively small amounts of traffic, there are no traffic signals in the area.

Water Use

The Project will use relatively small amounts of water during construction and operation. This water will be obtained from wells located on-site.

During construction, non-potable water will be used to facilitate soil compaction and as needed to control fugitive dust on exposed soils. Potable water during construction will be brought on-site by operational personnel and portable toilets, a temporary septic system, and/or holding tanks will be used to provide needed sanitary facilities.

During operation, the Project will use a small amount of water for the O&M building and reapplication of the soil binding agent if necessary. Water is not expected to be used for washing the solar panels.

Employment

The Project would generate employment opportunities during construction and operation. During construction, the number of workers on the site would be expected to vary over the construction period. The number of construction workers on site would be expected to average up to approximately 350 each month with a peak of up to 500.

Approximately 4 full-time workers would be employed during operation of the Project. These personnel would perform maintenance and security functions.

Stormwater Management

The stormwater collection system, including interception ditches, the collection ditch, the detention pond, and all ancillary facilities, will be designed to meet the criteria outlined in the “Public Works Standards for Yuma County, Volume III, Storm Drainage Facilities”, and the “Yuma County Ordinance Regulation Stormwater Quality Management” and the requirements of the stormwater regulations administered by ADEQ. A stormwater retention pond occupying approximately thirty (30) acres of disturbed farm land will be located in the southern portion of the Site.

Local area containments will be provided around certain locations, such as transformers, in order to prevent water that may come in contact with these materials from leaving the Site.

Control System

The control system will monitor and control the project facility. The control system will include servers, power and control wiring, a fiber optic network, and instrumentation.,

Communications

Multiple communication systems will be required for construction and operation. During construction, use of hardwired communications will be minimized and cellular or satellite methods will be used to the extent possible for internet and phone access. Hard wired systems required for operation communications will be installed as part of the electrical construction activities. These items will include hard wired phone, fiber optics and T1 internet.

Lighting System

The Project's lighting system will provide operation and maintenance personnel with illumination for both normal and emergency conditions. Lighting will be designed to provide the minimum illumination needed to achieve safety and security objectives and will be downward facing and shielded to focus illumination on the desired areas only. There will be no lighting in the solar field, so light trespass on surrounding properties will be minimal. If lighting at individual solar panels or other equipment is needed for night maintenance, portable lighting will be used.

3.0 CONSIDERATION OF FACTORS FOR SUP

Pursuant to Section 402.01 of the Yuma County Zoning Ordinance, there are considerations or factors of primary concern when granting a SUP and required to be satisfied in reaching a conclusion for a SUP. This section describes each of these factors and how the Project satisfies these and other considerations.

3.1 Potential Effects on Public Health, Safety or Welfare

3.1.1 Traffic Conditions in the Area

Access to the Project Site will be via the Dateland interchange on I-8 Yuma at Dateland, Arizona. From the Dateland interchange, access to the Project Site will be approximately nine (9) miles north on 64E Avenue, then approximately four (4) miles east on Palomas / Hyder Road to the intersection with Palomas – Harquahala Road. From this point access to the White Wing Solar Project site would be north on the road that was upgraded as part of the Agua Caliente Solar Project for about 2.3 miles to the Site entrance. Access to the Project Site will be controlled through a security gate at this Project Site entrance which would be located at the southeast corner of the Project Property.

Construction workers would utilize this access during construction. There would be designated parking areas for construction with a separate gate to the Project Site to control the labor force and equipment and material delivery.

Equipment, permanent materials, and commodities for the Project will be transported to the Project Site via rail and state and/or interstate highways. Heavy hauls will be shipped via rail to nearest active railroad spur for offloading and transported by truck to the Project Site. Heavy haul trucks with multiple axles will be employed to distribute loads, as required. All equipment and material deliveries will utilize the Project Site access.

Truck deliveries of equipment and materials will occur beginning with the initial construction notice to proceed and continuing through the duration of the Project construction process. Initial truck deliveries will include haul trucks for importing engineered fill materials, as required, followed by concrete trucks for installation of the solar field and major foundations, and deliveries of reinforcing steel. Electrical cabling and piping materials for buried piping will be delivered to the Project Site early in the construction period corresponding to approximately the time frame for foundation

installation. Deliveries of large major equipment will commence at about midpoint of the construction period.

A small portion of the overall plant site will be paved including the parking area and portions of the area around the O&M building. Vegetation will be removed where it interferes with the panel installation or tracker motion. As necessary, dust suppression such as the use of dust palliatives will be implemented on unprotected soils. Palliatives will be selected based on environmental compatibility.

The Site will be secured with a minimum 6-foot tall, chain link metal-fabric security fencing with 1-foot barbed wire or razor wire on top. Controlled access gates will be located at the Project entrance.

3.1.2 Provision of Services and Utilities

The White Wing Solar Project will not require Yuma County to provide significant utilities and services. There is existing on-site water infrastructure that will be used to provide the needed water supply as described below. Initial electrical need will be supplied via the existing system and long-term via the Project's interconnection with the regional high-voltage transmission system.

The Project will also have an on-site sanitary system that is further discussed in Section 3.1.4. Fire Protection will be provided via on-site systems described in Section 2.

3.1.3 Soil Erosion

The Project Site is currently in active agriculture. As the Site is developed, it will be graded minimally as described in Section 2. During construction, water erosion will be controlled and mitigated by the application of stormwater management practices described earlier and will be detailed in the stormwater management plan that will be developed for the Project. Likewise, during operations, water erosion will be controlled and mitigated by the application of measures included in the stormwater management plan that will be developed for the operational phase.

Wind erosion will be controlled during construction by the application of best management practices for dust abatement that will be outlined in dust control plan that will be filed with the County. During operation, the area under the solar fields will be kept free of vegetation to reduce fire hazard but a palliative agent may be applied to the ground surface to limit dust thereby minimizing soil erosion.

3.1.4 Water Supplies / Surface and Groundwater

The White Wing Solar Project would not impact public, community, or private water supplies and would not have adverse effects on surface waters or groundwater.

Approximately up to 800 acre-feet of water will be required during construction of the Project to support site prep, dust control, module washing, and sanitary use. During operations, approximately 5 acre-feet per year of water will be required by the facility for domestic use, process water, and fire protection. Water is not expected to be used to wash panels during operation.

The primary water supply for the Project will be from the on-site wells.

3.2 Compliance with Applicable Regulations and Standards of Zoning District / Type of Special Use (Zoning District RA-40)

Section 601 of the Yuma County Zoning Ordinance outlines the objectives and requirements for the RA-40 zoning district. As stated in Section 601.01, the purpose of this district is to conserve and preserve farms, agricultural related resources, continued agricultural use and other open space land uses fostering orderly growth in rural areas, preventing urban and agricultural land use conflicts, and allowing rural lot development with emphasis on preserving the character of farming communities.

Section 601.03--Special Uses, describes uses are allowed on RA-40 zoning but that would require a SUP. Part T identifies public or private utility installations for gas, electric, water, and wastewater. The Project would therefore be allowed at this location as a special use.

The Project will meet the RA-40 required setback requirements as identified in Section 601.05 of the Yuma County Zoning Ordinance. The Project will meet the front and side setback requirements of 50 feet and rear setback requirement of 34 feet.

If the Project structure heights exceed 60 feet, as per Section 601.06, the Project will need to apply for a height variance. The current design anticipates that transmission structures associated with the Gen-Tie Line could exceed 60 feet and will require a variance.

3.3 Effects on Adjoining Property and Surrounding Area

3.3.1 Character of Proposed Use

As previously discussed, the Project will be located on a private agricultural property that was part of the larger property referred to as the White Wing Ranch. The existing Agua Caliente Solar Project occupies what was the southern portion of the Ranch. The White Wing Solar Project will occupy the approximately 1,450-acre northern portion of the Ranch. These acres have been leased to Del Monte Fresh Produce (Southwest) for on-going agricultural use.

As shown on **Figure 4**, the properties that are adjacent to the White Wing Solar Project on the north, east, and west are federal lands (Bureau of Land Management) with some State parcels also located nearby. The BLM has recently identified the planned use of the lands on the east and west as a Solar Energy Zone (SEZ) suitable for the development of solar projects. The Resource Management Plan (RMP) that addresses BLM plans for managing the remainder of these federal lands show that they are being managed for limited dispersed uses. The private land south of the White Wing Solar Project Site is occupied by the existing Agua Caliente Solar Project.

The nearest agricultural land is located west and southwest of the Site. The Project will not limit agriculture uses on these lands or in the vicinity of the Project.

There would be no conflicts with existing or proposed land uses in the area that would result from the Project.

3.3.2 Benefits to the Public

The White Wing Solar Project will provide several benefits to the public. There will be socioeconomic benefits derived from the Project. In the short-term, construction will provide some employment opportunities and the construction work force will increase revenues in the retail and service sectors of the economy.

In the long-term, the Project will provide tax revenues to the County. Also, the Project will interconnect to the electric grid providing a more robust and reliable electric service system. It will also help meet the demand for renewable energy and lower the dependence on fossil fuels. The Project will require approximately 5 operations and maintenance workers and will offer attractive long-term compensation for these personnel.

3.3.3 Applicant Initiated Public Outreach

The Applicant initiated a public process for the Project which included extensive outreach efforts intent on distributing information and soliciting input from the public and interested stakeholders.

A series of briefings and meetings were utilized to engage stakeholders and the public in the process. The briefings/meetings included:

- Stakeholder Briefings
- Open House Meeting

In addition to the briefings, stakeholder meeting, and the open house meeting, the Project team maintains a Project web site, www.WhiteWingSolarProject.com, which includes details about the Project, maps and graphics, Project schedules, and general Project information.

Stakeholder Briefings

The focus of the stakeholder briefings was to provide information about the Project, technology, the need and benefits of the Project, schedule, and to gain local input. The Applicant met individually with elected officials, agency staff, and other interested stakeholders.

Open House Meeting

The Project team held an Open House on October 13, 2015 at the Dateland Elementary School. The Applicant used several methods to reach out to the public and invite them to the Open House. An invitation to the Open House was mailed to all residents in Yuma County within 12 miles of the Project site. The Dateland Elementary School also noticed the Open House on the school marquee and invitations were sent home with all the students. The Applicant placed two quarter page notice advertisements in the Yuma Sun on October 4 and 11, 2015 and a public notice that also ran in the Yuma Sun between October 6 and 11.

Both English and Spanish speaking team members were available to talk one on one with the public during the Open House. The Open House had over 40 people in attendance.

Appendix B includes the Open House invitation (same as the Open House announcement sent home with students), Open House sign in sheets, newspaper advertisements, and comment forms received from the Open House attendees.

3.4 Harmony with the Local Area

3.4.1 Comprehensive Plan's Goals and Objectives

As described in the Yuma County Comprehensive Plan, the Project site is located in the Yuma County Dateland/East County Planning Area. The Dateland/East County Planning Area is the largest of the four planning areas in Yuma County and consists primarily of agricultural lands and Sonoran desert. The existing communities in the planning area are characterized as small, remote and rural. Historically, Dateland and the entire East County area has had an economic base of farming, agricultural production and associated railroad activities. The planning area covers 554,156 acres or approximately 861 square miles, with less than 1% of the land area residentially developed. The majority of land within this planning area is under BLM jurisdiction and the private land here is predominately in agricultural production or open desert.

The 2010 U.S. Census reported a population of 815 in this planning area. Between 2000 and 2010 the population of the Dateland/East County Planning Area declined by 322 individuals.

Specific for the Dateland / East County Planning Area, one of the policies and priorities for the area included in the County Plan is to *"Promote the construction of solar or wind power plants."* Another is that *"Economic development will be a key consideration when considering any future change in land use designations."*

The proposed Project would help meet these goals.

In addition to the goals and objectives defined for the various planning areas and zoning districts (as described above for this area), the Yuma County Comprehensive Plan also includes other goals and policies that could be applicable to this Project. The following are some potentially relevant policies, priorities, and actions associated with Plan's Energy Element that further demonstrate the Project's consistency with the Comprehensive Plan.

Energy Policies and Priorities

EPP.6: Support growth of renewable energy in Yuma County.

Energy Actions

EA.1: Work with utility providers through the planning process to identify appropriate locations and buffering for future energy generation and transmission projects.

EA.10: Assess current plans and identify potential locations for renewable energy projects.

3.4.2 Compatibility with Surrounding Uses

As stated in section 3.3.1, the Project will not impact land uses on the surrounding BLM, State, and private lands. Nearby agriculture will continue. There would be no conflicts with the existing or proposed solar development and dispersed land uses on BLM lands in the area. The Project Site is somewhat isolated with very low nearby population and limited residential development that makes the area compatible for this type of use.

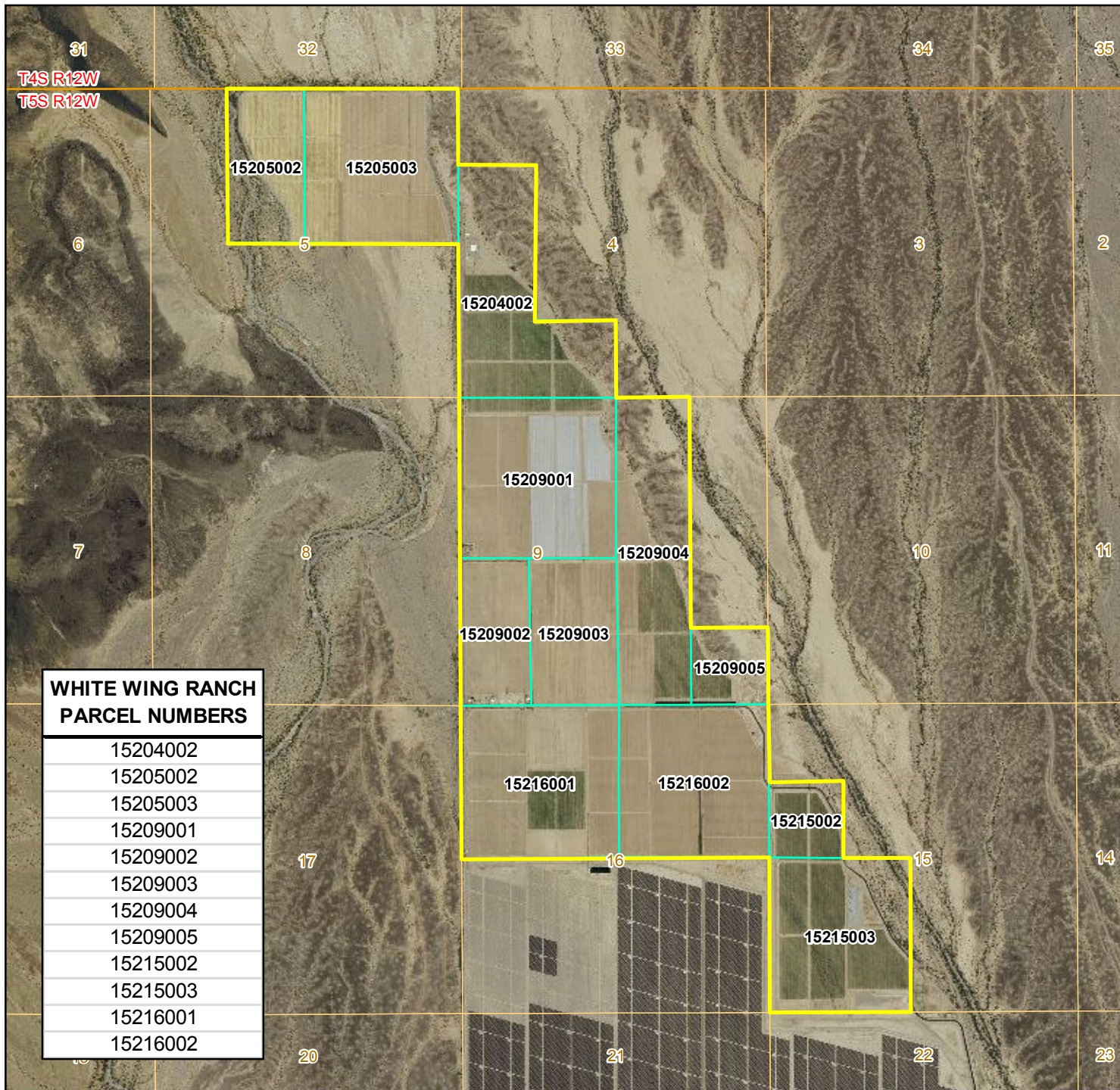
The Project site was selected for the following reasons:

- The Project is located on private land previously used for agriculture.
- The proposed transmission interconnection (existing Hoodoo wash Substation) is located near the Project Site avoiding the need for the Project to construct long off-site transmission lines.
- The Project is located in an area with high solar potential.
- The small amount of water needed for this Project will be supplied from existing groundwater wells located on the Property and long-term water use by the Project will be less than that historically used for agriculture on the Property.
- The nearest existing residences are located approximately 1.5 miles from the Project Site boundary. No new residential development is currently planned near the Project Site.
- No critical habitat will be affected by the development of the solar field because all construction will occur on the 1,450-acre Project Site, which is all currently and historically cultivated agricultural land that contains no native habitats. Likewise, there will be no significant impacts to any threatened or endangered species.
- The Project will generate very low emissions of air pollutants and will have zero water discharge.

Figures



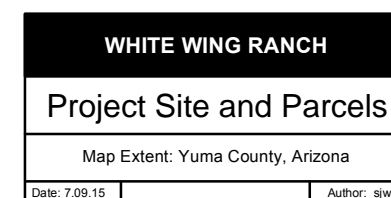
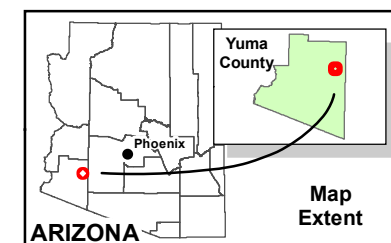
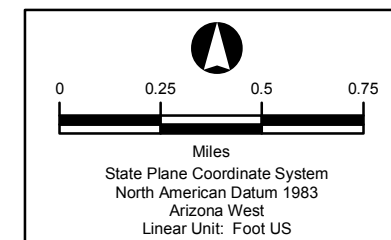
Figure 1
White Wing Solar Project
Project Location

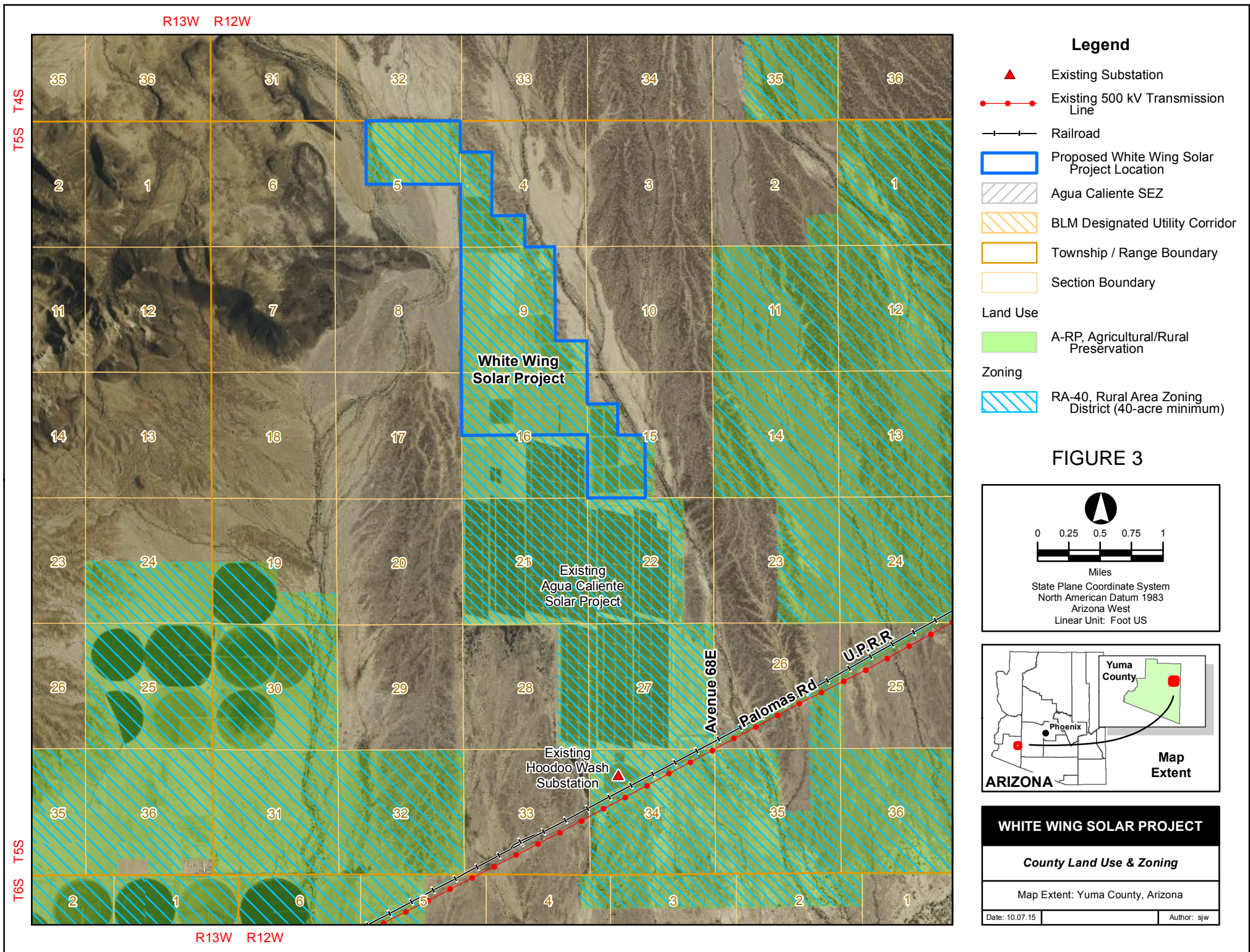


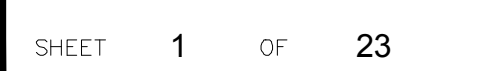
Legend

- Proposed White Wing Ranch Project Location
- Township / Range Boundary
- Section Boundary
- Parcel Boundary

FIGURE 2







Appendices

Appendix A

Pre-Development Meeting Checklist

YUMA COUNTY DEVELOPMENT SERVICES PROJECT ASSESSMENT

Project Assessment No: PA15-0018
Project Name: White Wing Ranch solar plant
Project Manager: Randy Schroeder, 415-471-0375
Facilitator: Carmen L. Reyes, Customer Service Manager
Review Date: August 12, 2015

Background			
Background of the project:	White Wing Ranch 210MWP solar		
Planning			
	Yes	No	Comments
An amendment to the comprehensive plan may be required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Zoning			
APN <u>15204002, 152-05-002,003, 15209001,002,003, 004, 005 15215002, 003, 15216001, 002</u>	Yes	No	Comments
Current Zoning <u>RA-40</u>			
Parcel History <ul style="list-style-type: none"> Is the current use allowed in the zoning district? When was the current use established? What activity has or is taking place and for how long? If the current use is not allowed in the current zoning ordinance, was it allowed by right when the use was established? Was the current use established prior to 09-25-2006? Was the current use permitted by right in the zoning district prior to the adoption of the current zoning ordinance? What is the land use designation for the subject property? 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Appears that Ag use has existed prior to 1976. N/A Agricultural/Rural Preservation
Variance Required/ Previously Issued	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Rezoning Required/Previously Issued	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Special Use Required/Previously Issued	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Per Sec 601.03(T)
Parking requirements need to be met?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Number of spaces Based on project

			design. Refer to Section 902.00 of Z.O.
Subdivision regulations apply?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport District <ul style="list-style-type: none"> The subject property is in the Airport District. The subject property is in the ___db noise. The subject property is in the territory in the vicinity of military airport. The proposed use is listed in the Land Use Matrix under Section 706.07 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	n/A
The proposed use meets the setbacks and height requirements for the zoning district.	<input type="checkbox"/>	<input type="checkbox"/>	Subject to project design.
Buffering & screening.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sign Requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Subject to project design and in accordance with Section 801.00 & 802.00 of the Z.O.
There is a pending rezoning, special use, variance, or temporary use application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
The subject property is on a corner lot.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	(refer to section 1101.00 of current zoning ordinance)
The subject property is adjacent to a section line, mid-section line, quarter section line road.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(refer to section 1104.00 thru 1104.03 of current ordinance)
Addressing <ul style="list-style-type: none"> Does address correspond with the subject parcel? Does the address on the building(s) correspond to the subject property? Does the address correspond to the address in the Eagle System? 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Explain N/A
Is there more than one parcel involved?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is a combining of parcels needed to comply with current zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(May require assigning an address to the new parcel)			
Land Division Required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A site visit was conducted and matches what was provided by the applicant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Explain
Is the proposed use/zoning within the range of identified uses, densities and intensities of the Comprehensive Plan or will a minor or major amendment be required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Perform site visit to ensure property is in compliance with the zoning ordinance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property currently in Ag use.
Engineering/Flood Control			

	Yes	No	Comments
Grading permit is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Will the proposed project disturb one acre or more of soil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(posting is required, contact CSC rep for requirements)
Encroachment permit is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Traffic study is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
On site retention required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Submittals must be designed by an engineer licensed in the State of Arizona.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Floodplain Use Permit required.	<input type="checkbox"/>	<input type="checkbox"/>	To be determined
Building Safety			
	Yes	No	Comments
Permit is required for proposed structure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Including any demo permits for removal of structures.
Project requires submittal documents prepared by a Registered Design Professional in the State of Arizona.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Proposed project requires a change of occupancy for existing structures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Existing Structures on site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>There are some minor structures on the property. The site plan submitted would necessitate the removal of those for the new arrays.</i>
Project requires the installation of fire sprinklers.			TBD
Fire			
	Yes	No	Comments
Hazardous Materials Inventory Statement required. (Include SDS sheets.)	<input type="checkbox"/>	<input type="checkbox"/>	
Fire hydrants required.	<input type="checkbox"/>	X	
Must provide water for structural fire fighting during the construction.	<input type="checkbox"/>	X	
Provide all weather access for emergency vehicles. (Minimum 20 foot.)	X	<input type="checkbox"/>	
Fire flow required for the project.	<input type="checkbox"/>	X	
Environmental Health			
	Yes	No	Comments
Letters of assurance from receiving agency required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Potable water source available	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Septic system on subject property.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transfer of ownership agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Will require SWPPP plan.

Customer Service			
	Comments		
Submittal Packet Review *Review time frames *Review documents *Review Fees	Commercial Submittal Packet Required Review Timeframes: Overall review time for Option 1 will be 50 business days. Overall review time for Option 2 will be 55 business days. Administrative Review - 10 working days. 1st Review 5 business days - Accepted or Notice of Deficiencies. 2nd Review 5 business days - Acceptance or Denial Letter. Substantive Review - Option 1- 40 working days. 1st Review 20 business days - Approved or Correction Letter. 2nd Review 20 business days - Approved or Denial letter. Substantive Review - Option 2 - 45 working days (Subsequent Review Process only available if requested by the applicant). 1st Review 20 business days - Approved or Correction Letter. 2nd Review 15 business days - Approved or Correction Letter. 3rd Review 10 business days - Approved or Correction Letter. Business Days are complete eight hour working days.		

Current Codes, Standards, Regulations, and Ordinances

Division or Agency	Name and Contact Number	Date
Planning and Zoning	Juan Leal Rubio, Senior Planner/928-817-5176	08/07/2015
Building Safety	Thor Toepfer, Plans Examiner II / 928-817-5086	08/03/2015
Engineering	Arturo Alvarez, Land Development Engineer	08/10/2015
Flood Control	Arturo Alvarez, Land Development Engineer	08/10/2015
Environmental Health	Rick Stacks, R.S.	08/05/2015
Fire Official or Fire Marshall		
Customer Service		

Project Assessments are intended to be general discussion of your project. Although we try to identify major issues during the meeting, your plans will still need to be checked in detail later as you finalize your concepts and designs. The information that is provided in this assessment expires six months after the meeting date.

Appendix B

Public Process Information

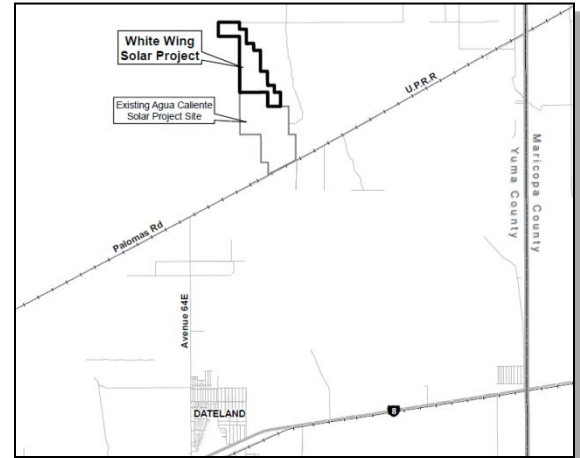


YOU ARE INVITED TO AN OPEN HOUSE

Date: Tuesday, October 13, 2015
Time: 4:30-6:30 pm
Location: Dateland Elementary School
1300 S. Ave 64 E, Dateland, AZ 85333

White Wing Ranch North, LLC, a subsidiary of First Solar, is proposing to build a 210 megawatt solar electric generating project using photovoltaic (PV) technology near Dateland and Hyder, Arizona. The White Wing Solar Project would be adjacent to the existing Agua Caliente Solar Project and would interconnect to the electrical grid at an existing substation. This Project is currently in the early permitting and planning stages and we are conducting an informational Open House for the public to learn about the Project. Representatives will be available to answer questions and provide information.

We welcome your input and hope you can join us. It is an Open House format and you can come anytime. An RSVP is not necessary. If you have questions please call Ian Calkins at 602-626-8956 or visit our website at www.WhiteWingSolarProject.com.



¡Atención!

Les invitan a un reunión informativa pública por un proyecto de energía solar comercial que se propone cerca de Dateland. Los representantes hablarán español y estarán disponibles a compartir información y contestar preguntas en cuanto del proyecto.

Fecha: El 13 de Octubre de 2015
La Hora: 4:30 - 6: 30 P.M.
Localización: La escuela primaria de Dateland, 1300 S. avenida 64 E., Dateland, AZ 85333



135 Main Street - 6th Floor
San Francisco, CA 94105

Resident Address

YOUR'E INVITED TO AN OPEN HOUSE

White Wing Ranch North, LLC, a subsidiary of First Solar, is proposing to build a 210 megawatt solar electric generating project using photovoltaic (PV) technology near Dateland and Hyder, Arizona.. This Project is currently in the early permitting and planning stages and is conducting an informational Open House for the public to learn about the Project

The public meeting will be held:

October 13, 2015

4:30 to 6:30 p.m.

Dateland Elementary School

1300 S. Ave 64 E

Dateland, Arizona 85333

Representatives of the project will be available to provide information and address your questions and concerns. It is an Open House format and you can come anytime - RSVP is not necessary. We welcome your input and hope you can join us!

**IF YOU HAVE ANY QUESTIONS,
PLEASE CALL 602-626-8956**



White Wing Solar Project

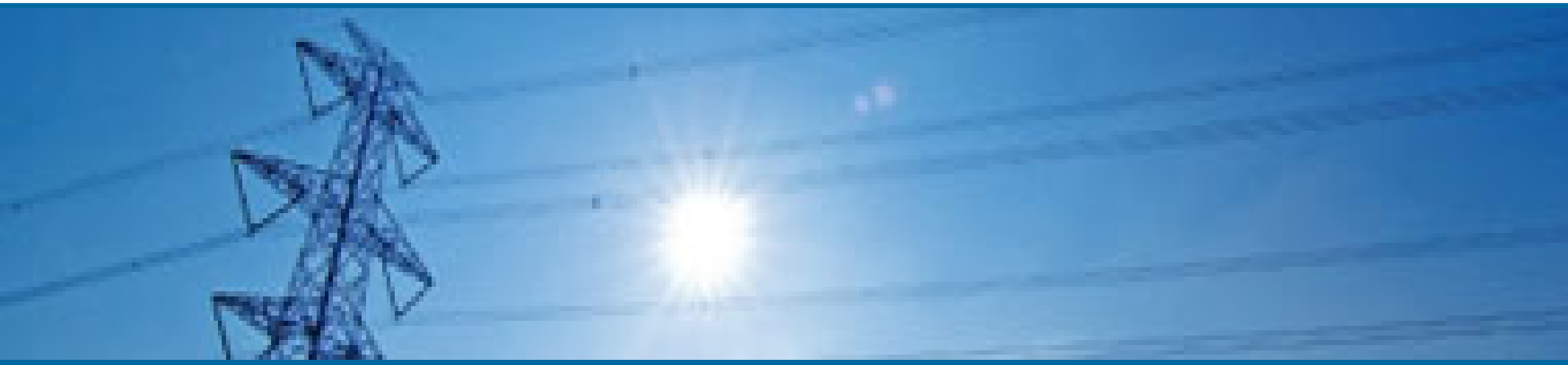
Public Meeting

October 13, 2015

First Solar at a Glance



Over 8GW installed worldwide and over 3GW contracted pipeline



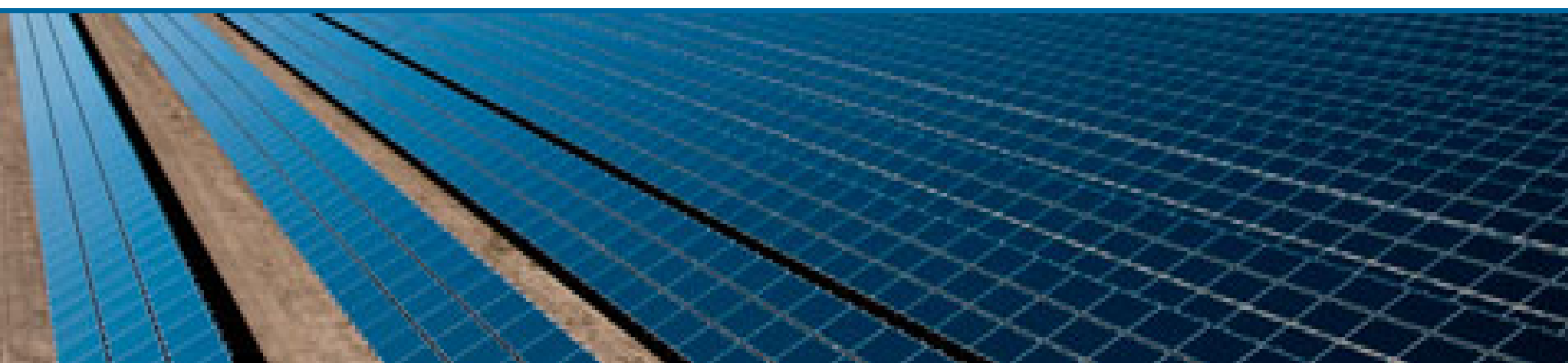
Cost competitive with conventional energy sources today



Partner of choice for leading utilities and global power buyers



Driving innovation across entire value chain and plant solution



Strongest financial stability & bankability in the industry

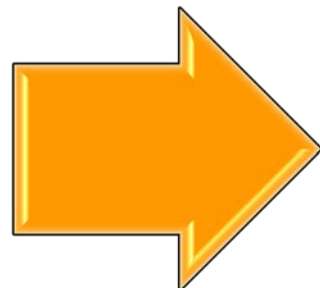


Founded in 1999 and publicly traded on Nasdaq (FSLR)

First Solar's Integrated Solar Power Solutions



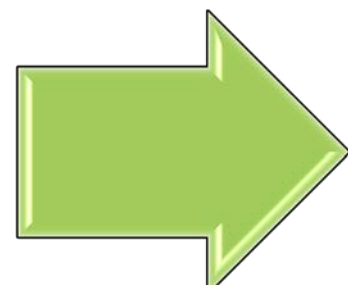
Module
Manufacturing



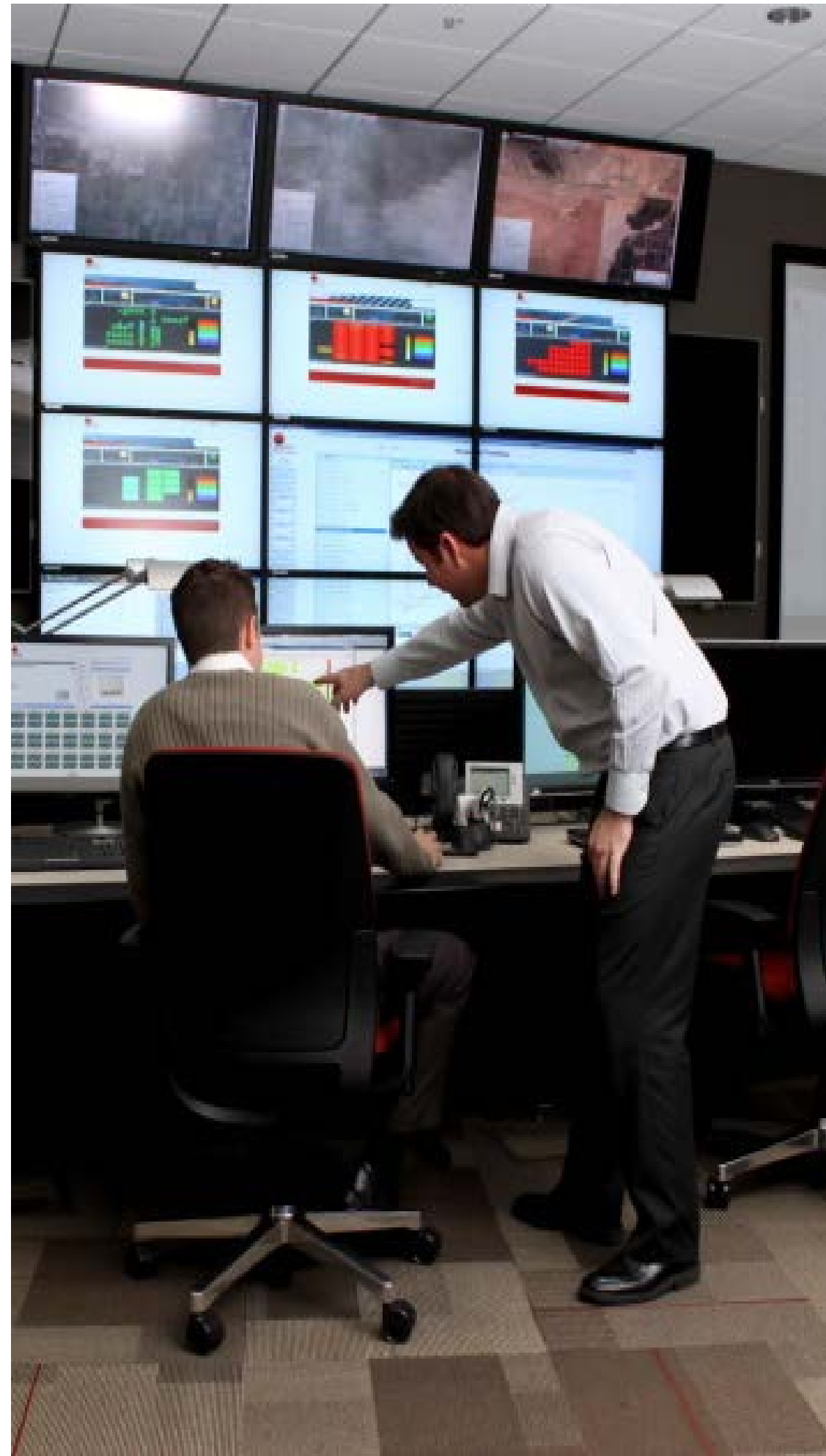
Project
Development



Engineering,
Procurement,
Construction



Operations &
Maintenance



Clean, Affordable, Sustainable Utility-Scale PV

North American Projects Pipeline Overview



Projects Sold/Under Contract

Project/Location	MW AC ¹	PPA	Owner/ Purchaser
Topaz, California	550	PG&E	Mid American (MA)
Sunlight, California	550	PG&E/SCE	NextEra/GE
AV Solar Ranch One	230	PG&E	Exelon
Copper Mtn. 2, NV	150	PG&E	Sempra ²
Imperial Energy Center S.	130	SDG&E	Tenaska ²
Alpine, California	66	PG&E	NRG ²
Silver State North, NV	50	NV Energy	Enbridge
Walpole, Ontario	20	OPA ⁴	GE/Plutonic
Belmont, Ontario	20	OPA ⁴	GE/Plutonic
Mount St. Mary's	16	UOG ³	Constellation
Amherstburg 1, Ontario	10	OPA ⁴	GE/Plutonic
Campo Verde, California	139	SDG&E	Southern Company

² EPC contract or partner developed project

³UOG = Utility Owned Generation

⁴OPA = Ontario Power Authority RESOP program

In Development/PPA

Project/Location	MW AC	PPA	Owner
Stateline, California	300	SCE	
Silver State South, NV	250	SCE	
Cuyama	40	PG&E	
Lost Hills	32	PG&E	
Kingbird	40	SCPPA	
California Flats	150	PG&E	

Completed

Project/Location	MW AC	PPA	Owner
Agua Caliente, AZ	290	PG&E	NRG / MA
Santa Teresa, NM	20	El Paso	NRG ²
Amherstburg 2, Ontario	15	OPA ⁴	Enbridge
Tilbury, Ontario	5	OPA ⁴	Enbridge
PNM 1-4, NM	17	UOG ³	PNM
Paloma, Gila Bend, AZ	17	UOG ³	APS
PNM 5, NM	5	UOG ³	PNM
St. Clair, Ontario	40	OPA ⁴	NextEra
Cimmaron, NM	30	Tri-State	Southern

White Wing Solar Project Overview

- Overview

- White Wing Solar is a 210 MW photovoltaic (PV) solar project located in Yuma County, Arizona

- Location

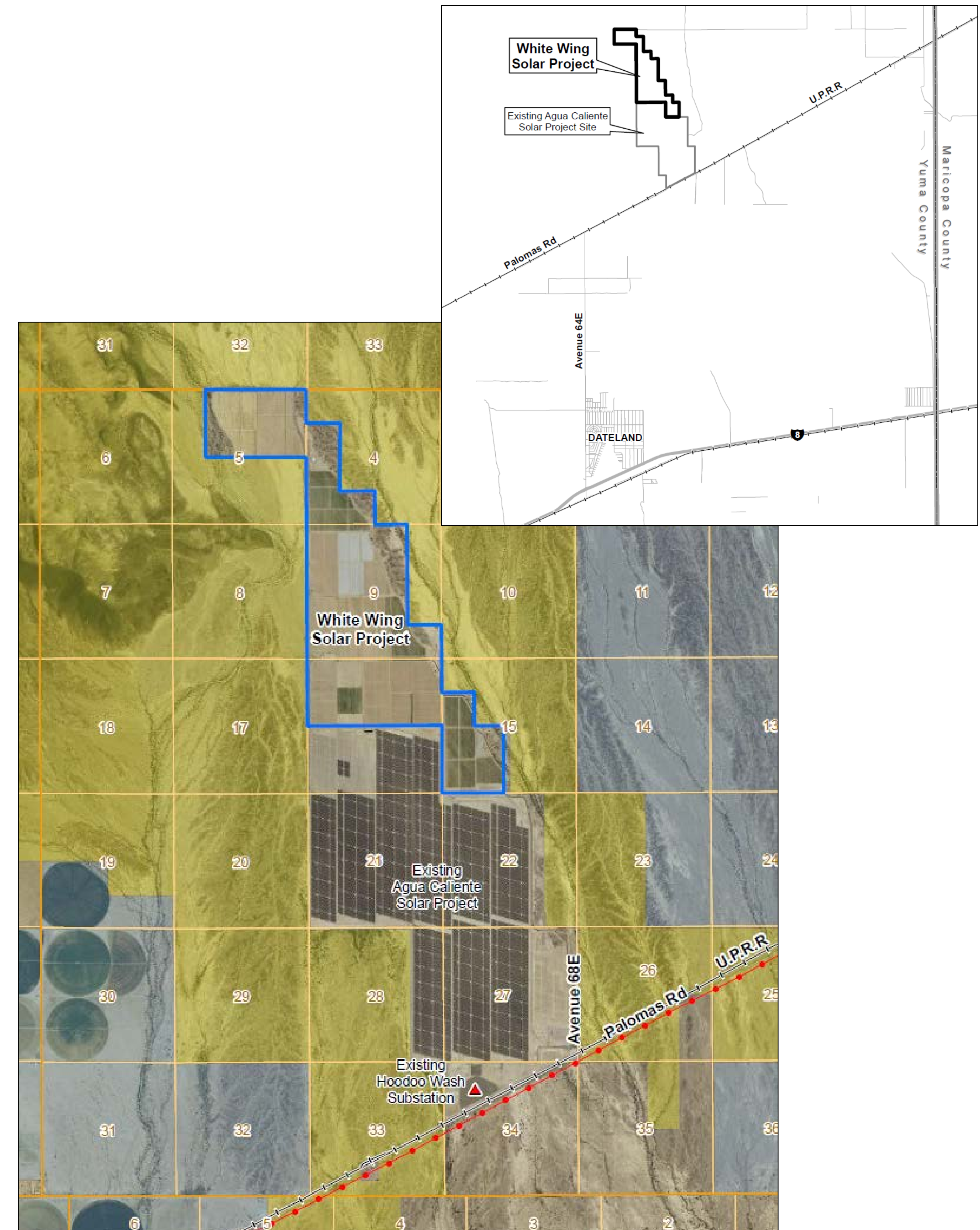
- About 12 miles north of Dateland on Palomas/Hyder Road
 - 1,450-acre site on private lands
 - Adjacent to / north of existing Agua Caliente Solar Project

- Solar Arrays

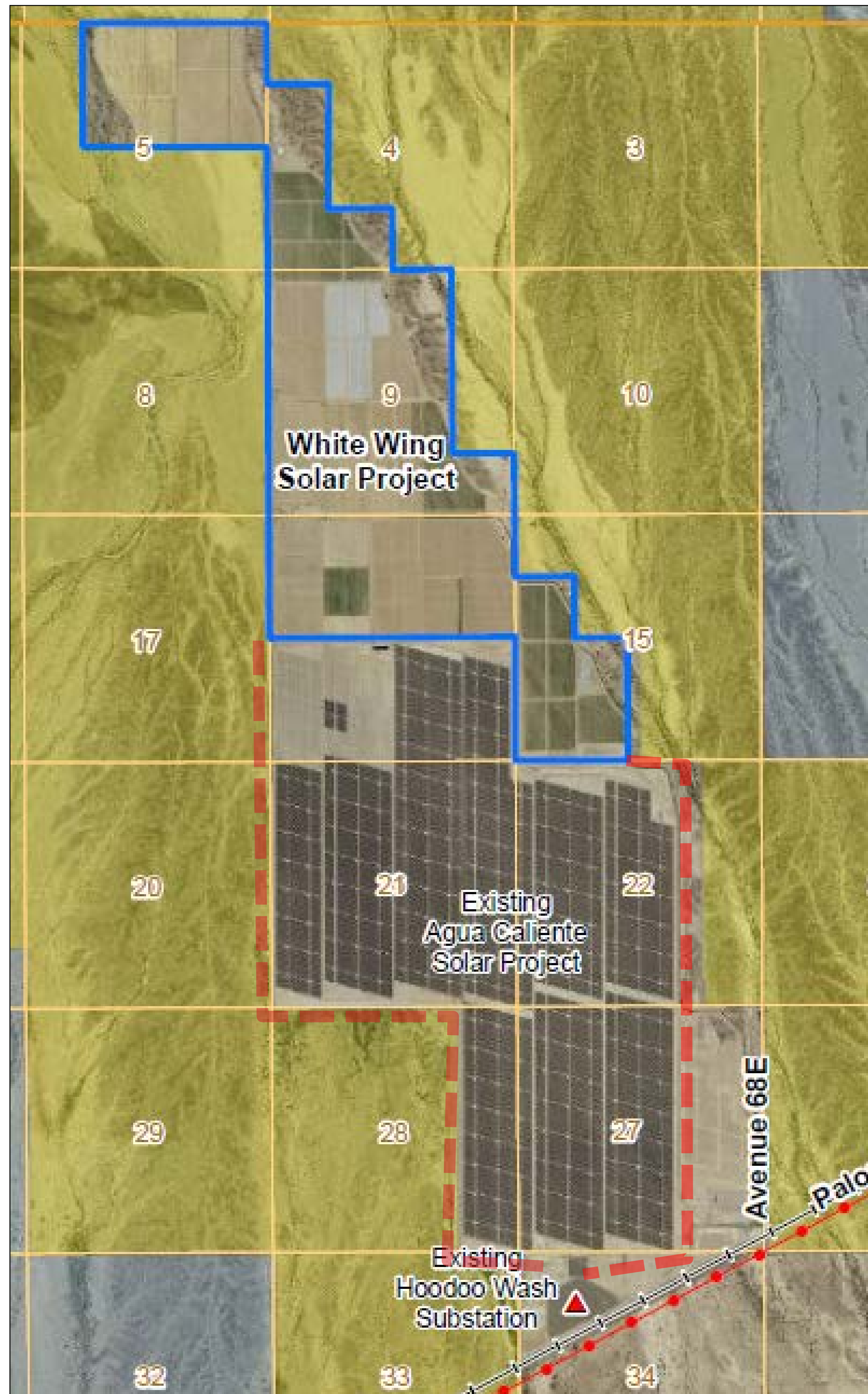
- Panels mounted on tracker or fixed-tilt mounting systems - up to 13 feet tall
 - No water used for panel washing during operations

- Power Delivery

- Interconnect with the existing Hoodoo Wash Substation



White Wing Solar Interconnection

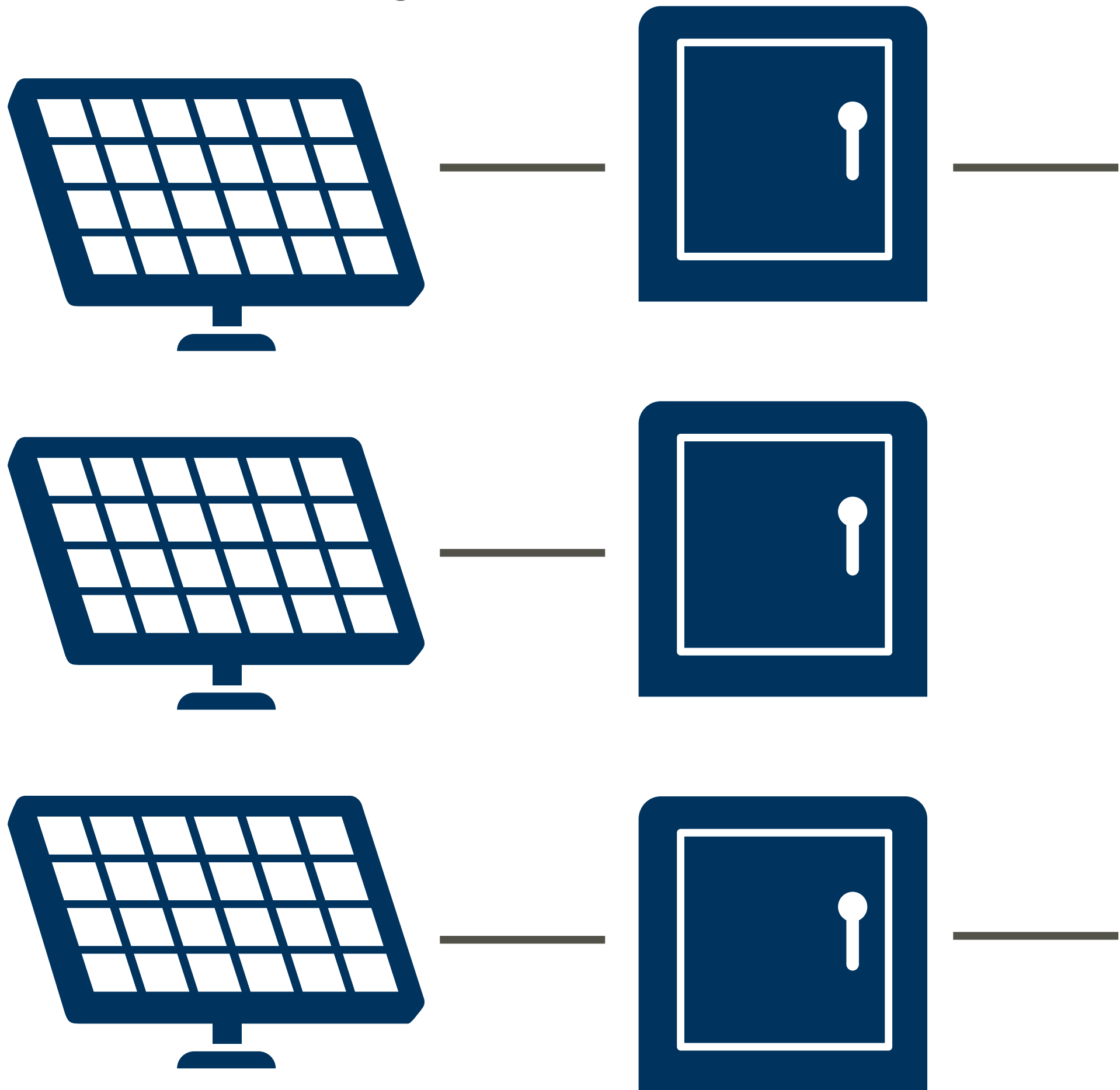


- Interconnection to existing Hoodoo Wash Substation located south of Agua Caliente solar site
- Line would be routed around east side or west side of the existing Agua Caliente solar project

HOW SOLAR WORKS

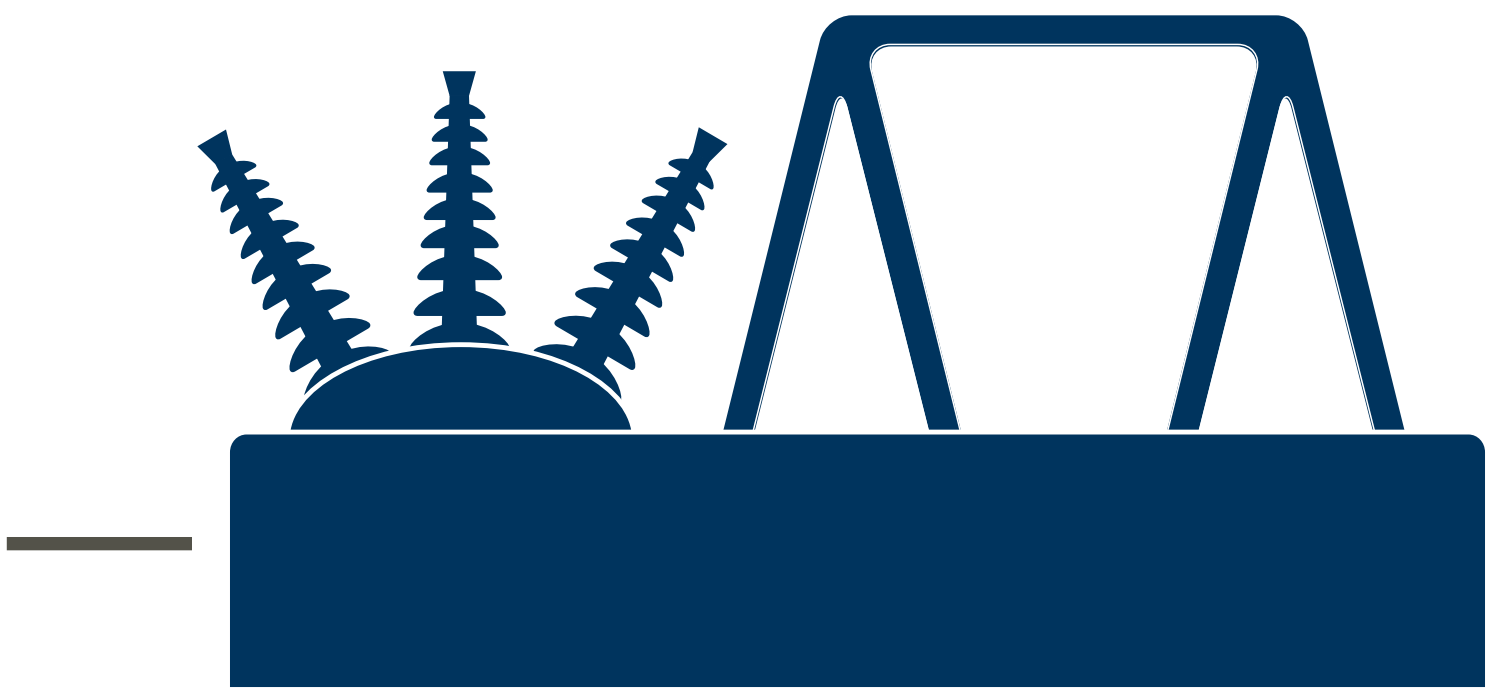
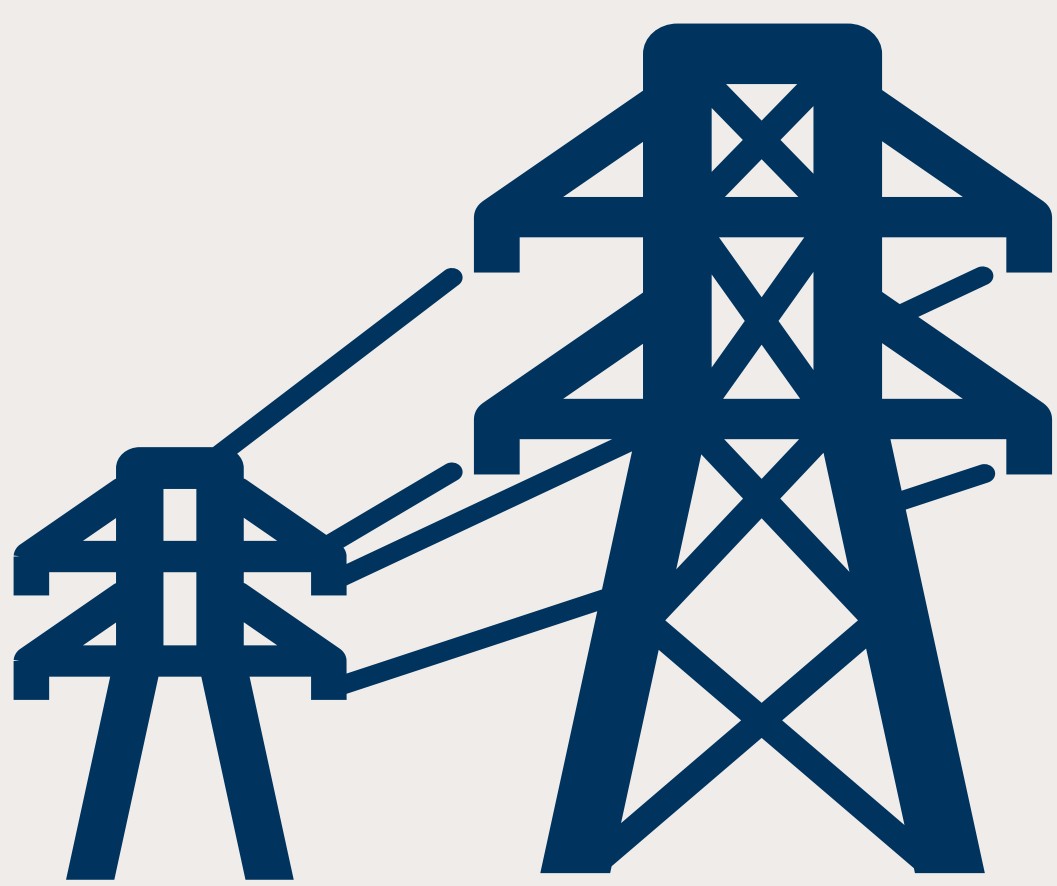
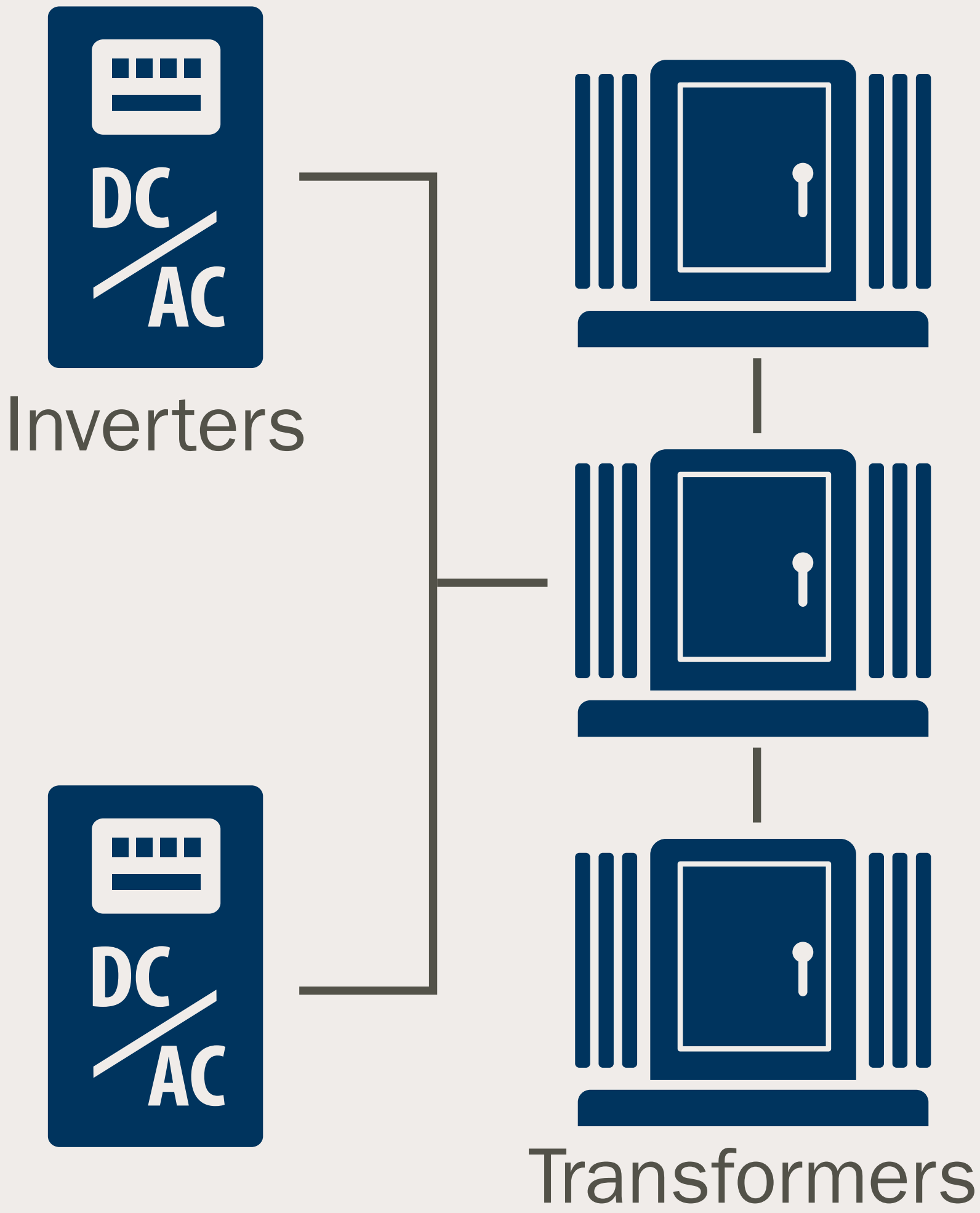


PV Module Arrays

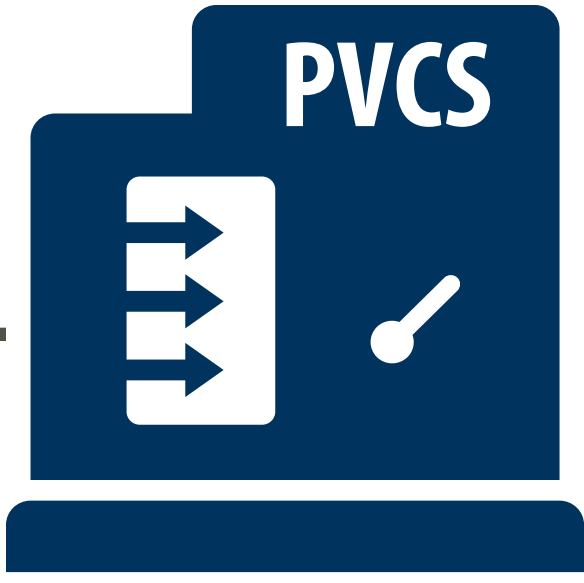
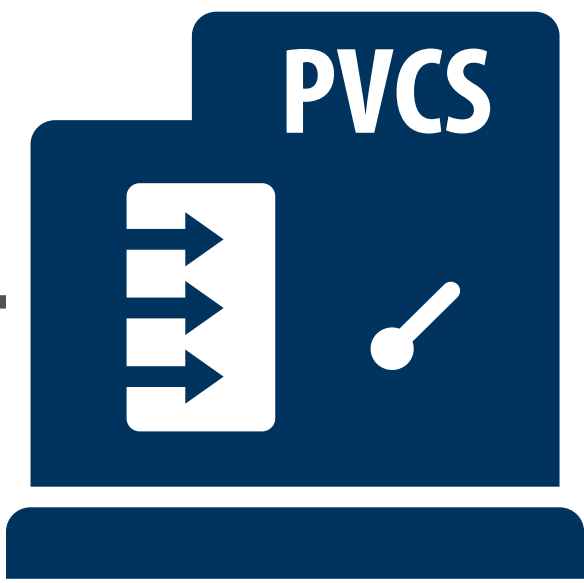


Combiner Boxes

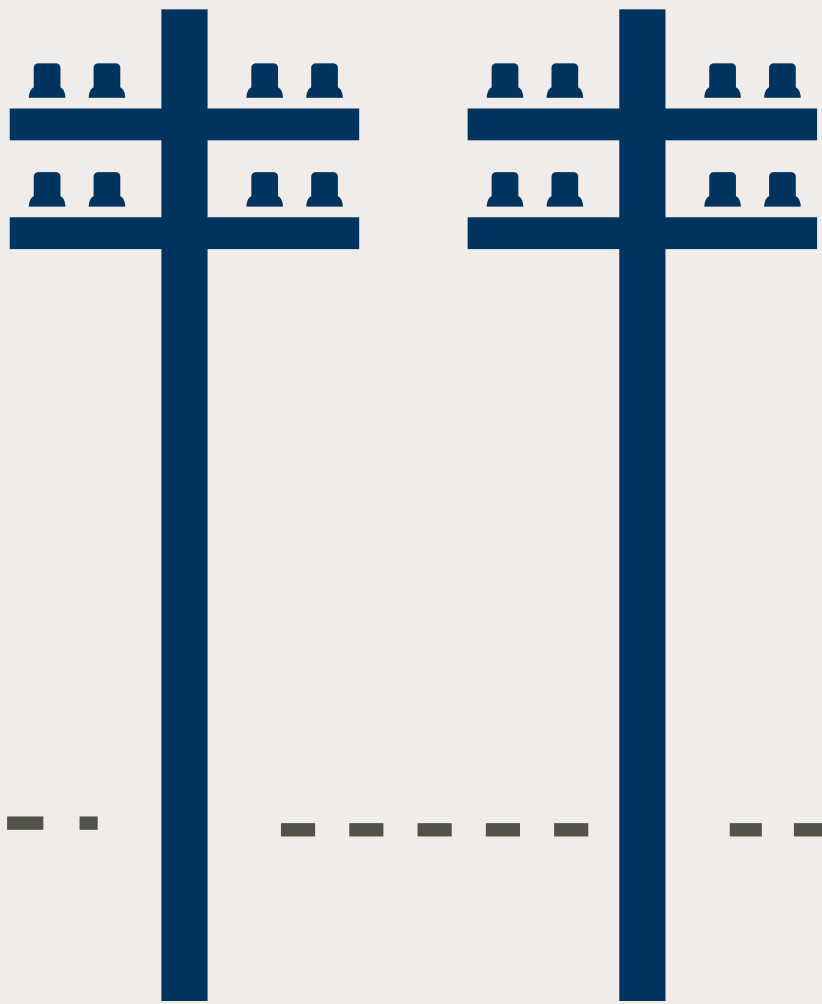
Power Conversion Station (PCS)



Substation



Photovoltaic Combining Switchgear (PVCS)



Power Grid



FIRST SOLAR AT A GLANCE



- Over 10GW installed worldwide and over 3GW contracted pipeline
- Cost competitive with conventional energy sources today
- Partner of choice for leading utilities and global power buyers
- Driving innovation across entire value chain and plant solution
- Strongest financial stability & bankability in the industry
- Founded in 1999 and publicly traded on Nasdaq (FSLR)



TECHNOLOGY ADVANTAGE



- Generates electricity with no water, air emissions or waste production
- Provides superior energy output compared to other solar module technologies
- Passive technology supports responsible land stewardship
- Land may be returned to previous use at end of life
- Minimal visual impact - low visual profile
- Minimal lighting required at night



WHITE WING SOLAR PROJECT
OCTOBER 13, 2015
DATELAND ELEMENTARY SCHOOL

OPEN HOUSE SIGN IN SHEET

9

	Name	Address	Phone	Email	Organization (if applicable)
1	Angelicaluke	65216 Vandura Rd	928-318-0756		
2	Elvira Quintana	1493 Balboa Rd	928-454-2280		
3	Dore Stephens	18607 S Ave 31st	928-343-9971		
4	Joe Paul	18607 S Ave 31st	928-343-9971		
5	Terrell Ann Totten	1578 Highland Rd Tona AZ	928-502-2434		
6	Lucy Shae	40108 Texas Ave	928-502-2033	lshae13@lluc.com	
7	Alyson Floss	9613 Floss Rd	928-344-1619		
8	Maria T Camacho	Box 3160, Dateland AZ	928-503-9265		
9	Juan Carlos Castro	Box 3160			
10					
11					

43
, comment

WHITE WING SOLAR PROJECT
OCTOBER 13, 2015
DATELAND ELEMENTARY SCHOOL

OPEN HOUSE SIGN IN SHEET

[1]

	Name	Address	Phone	Email	Organization (if applicable)
1	Jenna Mann	PO Box 3001 Dateland, AZ	928-454-2242	jmann@hyderisd.org	Dateland School
2	Imma	PO Box 3147	928-454-2702		—
3	Joe	PO Box 3147	" "		—
4	Jeff Tiley	2738 E. Guadalupe Gilbert, AZ 85234	602-695-4156	4771legco@cox.net	Canady Repetitor
5	William E. Sandover	Dateland AZ 85333	602-315 7611		
6	Monica Valencia	Dateland AZ	928-261-6013		
7	Fabio Ballenas	Dateland AZ	928-261-6013 315-9976		
8	Xosco Torres	P.O. Box 3100	928- 315 9976		
9	Karin Reed	PO Box 3069	480 703-1952	datelandbuddies@yahoo	Hyder School Dist
10	Paula	PO Box 3021	928-454-2423		Hyder School Dist
11	Marcia G. Lopez	PO Box 3021	928-454-2423		Hyder School Dist.

WHITE WING SOLAR PROJECT
OCTOBER 13, 2015
DATELAND ELEMENTARY SCHOOL

OPEN HOUSE SIGN IN SHEET

11

	Name	Address	Phone	Email	Organization (if applicable)
1	Gustavo Hernandez	P.O. Box 312	928-581-1725	ghernandez@PDC equipm-h.com	PDC
2					
3	<i>[Signature]</i>				
4	<i>[Signature]</i>	1278 Alameda St	928-454-2449		
5	<i>[Signature]</i>	65340 Ventura Rd	989 798 2922		
6	Reper Brand	PO Box 3246	928 454 2229	cassivacke hwyetf	
7	<i>[Signature]</i>	PO Box 3118	518-506-579	desertjules@comcast.net	
8	Bob Slone	95755 Alameda	928 920-3131	gualihill@sprynet.com	
9	Jenice Hernandez	P.O. Box 3232	(928) 261-1334	jenice.hernandez@gmail.com	
10	Chandra Mann	38301 E. Kumbquat Dr Wilton AZ	9284542242	cmann@hydensd.org	DateLand School
11	Maaricottin	Robert 3099 Pcteland AZ 853	928 366 7766		

WHITE WING SOLAR PROJECT
OCTOBER 13, 2015
DATELAND ELEMENTARY SCHOOL

OPEN HOUSE SIGN IN SHEET

12

	Name	Address	Phone	Email	Organization (if applicable)
1	Ro				
2	Juan Alvarez				
3	Doelina Coughlin	P.O. Box 3128	928 454-2242		Hyder School
4	Alexandra Yanez	28784 Commerce Way	928 785-3777	Yanezale05@gmail.com	Microtel Inn, Suites
5	Bosco Noronha	3500 S ARLAND Yuma AZ-85357	503-2030	BOSCO NORONHA@gmail.com	MICROTEL INN & SUITES
6	RITA NORONHA	28784 COMMERCE WAY	580-7280	RITA - NORONHA@gmail.com	MICROTEL INN AND SUITES WILLOW
7	DOUGLAS GABRIEL	281 W. 27th ST. GRAND RAPIDS, MI 49503	(805) 489-4271		
8	Raul Marthy RAMIREZ	P.O. Box 393 Tulum, AZ	(928) 785-8165		Iqbal Bawista (Hyder)
9	Steve Rees	2738 E Guadalupe Rd Gilbert, AZ 85234	480-205 4792	Steve@angleland.com	Langley Properties
10	Donald Blythe	10000 31st PO Box 3125			
11	Guadalupe Mayorga	PO Box 358 Dateland.	928 210-6422		School Board

**White Wing Solar Project
Comment Form**

**Thank you for your interest in this Solar Project. Please complete this form
and provide any comments about the Project**

Please Print

E-mail address

Name

Organization (If Applicable)

Street Address

Daytime Phone No. (optional)

City

State

Zip Code

Please provide any comments about the Project:

Necesitamos que los que vivimos en
Dateland nos den trabajo
que nos tomen en cuenta que no tenemos
muchas oportunidades porque vivimos
lejos de lugares de trabajo
Gracias ojala nos tomen en cuenta
MARIA T CAMACHO

Thank you for your time and interest.

TRANSLATION : Those of us who live in Dateland
hope and need you to give us some work. We hope
that you will take into account the fact that we don't
have may opportunities because we live far from areas
that have work. Thank you and I hope you will keep us
in mind.

From: [Isabell Garcia](#)
To: [Juan Leal Rubio](#)
Subject: FW: RFC SUP15-07
Date: Monday, November 30, 2015 12:41:54 PM
Attachments: [REQUESTFORCOMMENTSUP15-07.doc](#)
[Site Plan SUP15-07.pdf](#)
[Vicinity Map SUP15-07.pdf](#)
[White Wing SUP Application Supporting Information w-attachments \(11-4-15\).pdf](#)
[Info Needed for Solar Power.doc](#)

Hello, the ADOT Southwest (Yuma) District comments are attached. Thank you.

From: Juan Leal Rubio [mailto:Juan.Leal-Rubio@yumacountyaz.gov]
Sent: Wednesday, November 25, 2015 10:25 AM
To: Angelica Bharat (Angelica.bharat@us.army.mil); Anne Camacho (Anne.camacho@aps.com); Antelope Union High School District #50 (ansmith@antelopeunion.org); Arizona Western College (carole.coleman@azwestern.edu); Becky Hopkins (Wellton@town.wellton.az.us); Bill Knowles (BKnowles@azgfd.gov); Bobbi McDermott (rjsm09@msn.com); Bruce A. Fenske; Carmen Juarez (carmenj@cityofsomerton.com); Charles Ruerup (Charles.ruerup@us.army.mil); Chuck Wullenjohn (chuck.wullenjohn@us.army.mil); Crane Elementary School Dist. #13 (bklee@craneschools.org); Doug Bowman (Doug.Bowman@qwest.com); Edmund Ramirez (Edmund.Ramirez@aps.com); Gadsden Elementary School Dist. #32 (agui2400@yahoo.com); Gerardo Ramirez; Grosse (Gen@yumaairport.com); Hyder Elementary School Dist. #16 (pkoury@hyder-isd.org); Isabell Garcia; James Garrison (Jgarrison@azstateparks.gov); Jeff Humphrey (Jeff_humphrey@fws.gov); Jennifer Albers (jennifer.albers@yumaaz.gov); Jerry Cabrera (jcabrera@somerton.k12.az.us); Jerry Reiffenberger (jreiffenberger@azda.gov); Joaquin Campa (jcampa@cityofsanluis.org); John Starkey - City of San Luis (jstarkey@cityofsanluis.org); Jon Heidrich (JTheidrich@aol.com); Judith Movilla (judith.e.movilla.civ@mail.mil); Kathy McNamara (Kathy.Mcnamara@aps.com); Laura Noel (info@ssd11.org); Lucy Shipp (lucyshipp@aol.com); Mike Straub - Wellton Mohawk Irrigation District (mstraub@wmidd.org); Mohawk Valley Elementary School Dist. #17 (Sjohnson@mohawk17.org); Paula Backs (paula.backs@usmc.mil); Placido Lopez (placido.lopez@twcable.com); dwatenpaugh@town.wellton.az.us; Blevins, Robert (Bob) - Principal Planner; Roxanne Molenaar (rmolenaar@yumasun.com); Sherry Fajardo (sfajardo@mohawk17.org); Southwest Gas (Rick.rohrick@swgas.com); Stephany Turner; tony lomboy (tony.lomboy@twcable.com); Unit B Irrigation District (bryank@unitBIRR.com); Wellton Elementary School Dist. #24 (Inoel@apscc.org); YMPO (Cgutierrez@ympo.org); YPG Public Affairs Office (usarmy.ypg.atec.list.public-affairs-office@mail.mil); Yum County Water Users Association (tdavis@ycwua.org); Tom Tyree; dfarar1@yumaed.org; Yuma Irrigation District (yid@mindspring.com); Yuma Mesa Irrigation District (Pmorgan@ymidd.org); Yuma Union High School District (abadone@yumaed.org); Pat Headington; Richard J. Stacks; George Amaya; Craig Sellers; John Savicky; Arturo Alvarez
Subject: RFC SUP15-07

Hello,

Please review the attached proposal and let me know if you have any questions or comments.

Thank you,

Juan Leal Rubio
Senior Planner
928-817-5176



If you believe I provided great service to you, it would be greatly appreciated if you please take a moment to fill out the Customer Service Survey in the link below:

ADOT Southwest District's Requested Information -

ADOT follows local development in order to assure that development adjacent to or near state highway routes follows the agency's encroachment permit process when direct access to the highway system would occur. We also comment on development that does not require an encroachment permit, but which can affect the state highway system. In the case of the construction of large commercial or industrial projects, site-specific traffic may adversely affect existing traffic and the department needs the results of a traffic study to assess any effects and to identify any necessary mitigation measures.

Previous solar projects have identified up to 1,000 construction workers and an average of 600 construction workers may try to use the same traffic interchange to access a project site during peak traffic periods of the day during the construction period. Construction for solar plants may require a nearly continuous stream of trucks hauling mirrors, pipes, and other material.

ADOT requests that the applicant complete a traffic study. Such a study would provide both ADOT and the County an opportunity to review and comment on the project's effects on traffic along the state highway system and local roads. This study would not need to be a full-blown traffic impact analysis meeting all the criteria in Section 240 of the Department's traffic engineering guidelines and processes (TGP). All we need for this study are projected daily average traffic volumes, peak morning and afternoon hourly traffic volumes for privately-owned vehicles during construction along with any variations anticipated during construction; volumes, weights, and maximum lengths for trucks; directional analysis of the traffic; a queuing analysis at the traffic interchange(s) expected to be used completed according to the TGP; and recommendations for mitigations measures, if any. If other sources of traffic exist, then their synergistic effects on traffic during construction should also be addressed.

The traffic study and other information requested would allow ADOT and the county to identify any road improvements needed to maintain safe and efficient traffic flow during the construction period.



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV

REGION IV, 9140 E. 28TH ST., YUMA, AZ 85365

GOVERNOR

DOUGLAS A. DUCEY

COMMISSIONERS

CHAIRMAN, KURT R. DAVIS, PHOENIX

EDWARD "PAT" MADDEN, FLAGSTAFF

JAMES R. AMMONS, YUMA

JAMES S. ZIELER, ST. JOHNS

ROBERT E. MANSELL, WINSLOW

DIRECTOR

LARRY D. VOYLES

DEPUTY DIRECTOR

TY E. GRAY



December 16, 2015

Juan Leal Rubio
Senior Planner
Yuma County
Planning and Zoning Division
2351 West 26th Street
Yuma, Arizona 85364

RE: Special Use Permit No. 15-07 White Wing Solar Photovoltaic Facility

Dear Mr. Rubio:

The Arizona Game and Fish Department (Department) has reviewed the above-referenced Special Use Permit for the White Wing Solar Photovoltaic facility. The following comments are provided for your consideration.

Under Title 17 of the Arizona Revised Statutes, the Arizona Game and Fish Department (Department), by and through the Arizona Game and Fish Commission (Commission), has jurisdictional authority and public trust responsibilities for management of the state's fish and wildlife resources. It is the mission of the Department to conserve Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

The Department understands that this Special Use Permit is for a 1,450 acre solar photovoltaic facility that will generate 210 MW of electricity. The land is currently zoned RA 40 and is located north of the Palomas Road.

The Department notes that the proposed facility is on active agricultural lands and is immediately north of an existing photovoltaic facility. The Heritage Database Management System was accessed and there are no observational records of special status species within 5 miles of the facility. For these reasons we do not anticipate significant impacts to wildlife will result from this project.

Thank you for the opportunity to review and comment on this project. If you have any questions you may contact me at 928-341-4047 or bknowles@azgfd.gov.

Juan Leal Rubio
December 16, 2015
Page 2

Sincerely



William Knowles
Region IV Habitat Program Manager

cc: Pat Barber, Regional Supervisor Region IV
Joyce Francis, Habitat Branch Chief
Laura Canaca Project Evaluation Program Supervisor

AGFD # M15-12182728

From: [Briceno, Vanessa](#)
To: [Juan Leal Rubio](#)
Cc: jmacdona@blm.gov; tkjones@blm.gov; cholzer@blm.gov
Subject: Re: YUMA COUNTY---Request for Comments for Special Use Case No. 15-07, Whitewing Solar Project
Date: Thursday, December 10, 2015 2:26:19 PM

Mr. Rubio,

This email is to confirm receipt of the information you have submitted. Thank you for letting BLM review the attached proposal. We are aware of the White Wing Project and have been in contact with the consultant that is working on this project. I don't know if we will have any comments but will notify you as soon as possible if we do.

Thank you,
Vanessa

On Thu, Dec 10, 2015 at 11:03 AM, Juan Leal Rubio <Juan.Leal-Rubio@yumacountyaz.gov> wrote:

Hello,

Please review the attached proposal and let me know if you have any questions or comments.

Thank you,

Juan Leal Rubio

Senior Planner

928-817-5176



If you believe I provided great service to you, it would be greatly appreciated if you please take a moment to fill out the Customer Service Survey in the link below:

<http://yumacountyaz.gov/departments-services/development-services/customer-survey>

--

Vanessa Briceño, Realty Specialist
Bureau of Land Management, Yuma Field Office
2555 E. Gila Ridge Road, Yuma, AZ 85365
Tel. 928-317-3290, Fax 928-317-3250, vbriceno@blm.gov

From: [Blevins, Robert \(Bob\) - Principal Planner](#)
To: [Juan Leal Rubio](#)
Subject: RE: RFC SUP15-07
Date: Wednesday, November 25, 2015 10:58:11 AM

No comment from City of Yuma Dept. of Community Development.

Thanks for the opportunity to comment on this interesting project.



Robert Blevins, Principal Planner

City of Yuma 928-373-5189 Robert.Blevins@yumaaz.gov | www.YumaAz.gov

From: Juan Leal Rubio [mailto:Juan.Leal-Rubio@yumacountyaz.gov]

Sent: Wednesday, November 25, 2015 10:25 AM

To: Angelica Bharat (Angelica.bharat@us.army.mil); Anne Camacho (Anne.camacho@aps.com); Antelope Union High School District #50 (ansmith@antelopeunion.org); Arizona Western College (carole.coleman@azwestern.edu); Becky Hopkins (Wellton@town.wellton.az.us); Bill Knowles (BKnowles@azgfd.gov); Bobbi McDermott (rjsm09@msn.com); Bruce Fenske (Bfenske@azdot.gov); Carmen Juarez (carmenj@cityofsomerton.com); Charles Ruerup (Charles.ruerup@us.army.mil); Chuck Wullenjohn (chuck.wullenjohn@us.army.mil); Crane Elementary School Dist. #13 (bkleee@craneschools.org); Doug Bowman (Doug.Bowman@qwest.com); Edmund Ramirez (Edmund.Ramirez@aps.com); Gadsden Elementary School Dist. #32 (agui2400@yahoo.com); AZ Dept of Transportation - Ramirez, Gerry; Grosse (Gen@yumaairport.com); Hyder Elementary School Dist. #16 (pkoury@hyder-isd.org); Isabell Limon (IGarcia@azdot.gov); James Garrison (Jgarrison@azstateparks.gov); Jeff Humphrey (Jeff_humphrey@fws.gov); Albers, Jennifer - Principal Planner; Jerry Cabrera (jcabrera@somerton.k12.az.us); Jerry Reiffenberger (jreiffenberger@azda.gov); Joaquin Campa (jcampa@cityofsanluis.org); John Starkey - City of San Luis (jstarkey@cityofsanluis.org); Jon Heidrich (JTHEidrich@aol.com); Judith Movilla (judith.e.movilla.civ@mail.mil); Kathy McNamara (Kathy.Mcnamara@aps.com); Laura Noel (info@ssd11.org); Lucy Shipp (lucyshipp@aol.com); Mike Straub - Wellton Mohawk Irrigation District (mstraub@wmidd.org); Mohawk Valley Elementary School Dist. #17 (Sjohnson@mohawk17.org); USMC CP&L - Backs, Paula; Placido Lopez (placido.lopez@twcable.com); dwatenpaugh@town.wellton.az.us; Blevins, Robert (Bob) - Principal Planner; Media - Roxanne Molenaar-Yuma Sun; Sherry Fajardo (sfajardo@mohawk17.org); Southwest Gas (Rick.rohrick@swgas.com); Stephany Turner; tony lomboy (tony.lomboy@twcable.com); Unit B Irrigation District (bryank@unitBIRR.com); Wellton Elementary School Dist. #24 (Inoel@apsc.org); YMPO (Cgutierrez@ympo.org); YPG Public Affairs Office (usarmy.ypg.atec.list.public-affairs-office@mail.mil); Yuma County Water Users Association - Davis, Tom; Tom Tyree; dfarar1@yumaed.org; Yuma Irrigation District (yid@mindspring.com); Yuma Mesa Irrigation District (Pmorgan@ymidd.org); Yuma Union High School District (abadone@yumaed.org); Yuma County Building Official - Headington, Pat; Richard J. Stacks; George Amaya; Craig Sellers; John Savicky; Arturo Alvarez

Subject: RFC SUP15-07

Hello,



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 25, 2015

CASE NUMBER: Special Use Permit No. 15-07

PROJECT DESCRIPTION: Max Bakker, agent for White Wing Ranch North LLC requests a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility and associated equipment on twelve parcels totaling 1,450 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Numbers 152-04-002; 152-05-002 and -003; 152-09-001, -002, -003,-004, and -005; 152-15-002 and -003; and 152-16-001 and -002, located north of Palomas Road between Avenue 66E and Avenue 68E, Dateland, Arizona.

PROJECT SUMMARY: The applicant intends to develop a 210 megawatt (MW) photovoltaic (PV) solar power generating facility.

PUBLIC HEARING: Tentatively scheduled for January 25, 2016.

COMMENTS DUE: ASAP

Please provide a determination of compliance or complete the comments section below and return or forward your comments to me. For additional information, please contact me at (928)817-5176.

Thank you,

Juan Leal Rubio
Senior Planner

Attachments: Vicinity Map, Site Plan, SUP Application Supporting Information

____ COMMENT

__x__ NO COMMENT

DATE: 11/30/15 PRINT/SIGN NAME: Gen Grosse, Yuma County Airport Authority

RETURN TO: Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5050
Email: Juan.Leal-Rubio@yumacountyaz.gov



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 25, 2015

CASE NUMBER: Special Use Permit No. 15-07

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Thank you,

Juan Leal Rubio
Senior Planner

Attachments: Vicinity Map, Site Plan, SUP Application Supporting Information

____ COMMENT

___X___ NO COMMENT

DATE: 11/30/2015 PRINT/SIGN NAME: Paula L. Backs, MCAS YUMA AZ

RETURN TO: Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5050
Email: Juan.Leal-Rubio@yumacountyaz.gov

From: [Pat Morgan](#)
To: [Juan Leal Rubio](#)
Subject: RE: RFC SUP15-07
Date: Wednesday, November 25, 2015 1:51:18 PM

YMIDD has no comment

Thank You ,

Patrick L. Morgan

Manager

From: Juan Leal Rubio [mailto:Juan.Leal-Rubio@yumacountyaz.gov]

Sent: November 25, 2015 10:25 AM

To: Angelica Bharat (Angelica.bharat@us.army.mil); Anne Camacho (Anne.camacho@aps.com); Antelope Union High School District #50 (ansmith@antelopeunion.org); Arizona Western College (carole.coleman@azwestern.edu); Becky Hopkins (Wellton@town.wellton.az.us); Bill Knowles (BKnowles@azgfd.gov); Bobbi McDermott (rjsm09@msn.com); Bruce Fenske (Bfenske@azdot.gov); Carmen Juarez (carmenj@cityofsomerton.com); Charles Ruerup (Charles.ruerup@us.army.mil); Chuck Wullenjohn (chuck.wullenjohn@us.army.mil); Crane Elementary School Dist. #13 (bkleee@craneschools.org); Doug Bowman (Doug.Bowman@qwest.com); Edmund Ramirez (Edmund.Ramirez@aps.com); Gadsden Elementary School Dist. #32 (agui2400@yahoo.com); Gerry Ramirez (gramirez@azdot.gov); Grosse (Gen@yumaairport.com); Hyder Elementary School Dist. #16 (pkoury@hyder-isd.org); Isabell Limon (IGarcia@azdot.gov); James Garrison (Jgarrison@azstateparks.gov); Jeff Humphrey (Jeff_humphrey@fws.gov); Jennifer Albers (jennifer.albers@yumaaz.gov); Jerry Cabrera (jcabrera@somerton.k12.az.us); Jerry Reiffenberger (jreiffenberger@azda.gov); Joaquin Campa (jcampa@cityofsanluis.org); John Starkey - City of San Luis (jstarkey@cityofsanluis.org); Jon Heidrich (JHeidrich@aol.com); Judith Movilla (judith.e.movilla.civ@mail.mil); Kathy McNamara (Kathy.Mcnamara@aps.com); Laura Noel (info@ssd11.org); Lucy Shipp (lucyshipp@aol.com); Mike Straub - Wellton Mohawk Irrigation District (mstraub@wmidd.org); Mohawk Valley Elementary School Dist. #17 (Sjohnson@mohawk17.org); Paula Backs (paula.backs@usmc.mil); Placido Lopez (placido.lopez@twcable.com); dwatenpaugh@town.wellton.az.us; Blevins, Robert (Bob) - Principal Planner; Roxanne Molenaar (rmolenaar@yumasun.com); Sherry Fajardo (sfajardo@mohawk17.org); Southwest Gas (Rick.rohrick@swgas.com); Stephany Turner; tony lomboy (tony.lomboy@twcable.com); Unit B Irrigation District (bryank@unitBIRR.com); Wellton Elementary School Dist. #24 (Inoel@apscc.org); YMPO (Cgutierrez@ympo.org); YPG Public Affairs Office (usarmy.ypg.atec.list.public-affairs-office@mail.mil); Yum County Water Users Association (tdavis@ycwua.org); Tom Tyree; dfarar1@yumaed.org; Yuma Irrigation District (yid@mindspring.com); Yuma Mesa Irrigation District (Pmorgan@ymidd.org); Yuma Union High School District (abadone@yumaed.org); Pat Headington; Richard J. Stacks; George Amaya; Craig Sellers; John Savicky; Arturo Alvarez

Subject: RFC SUP15-07

Hello,

Please review the attached proposal and let me know if you have any questions or comments.

Thank you,

Juan Leal Rubio
Senior Planner
928-817-5176



If you believe I provided great service to you, it would be greatly appreciated if you please take a

USAG YPG
Directorate of Public Work
Master Planning Division

CASE NUMBER: Special Use Permit No. 15-07

PROJECT DESCRIPTION: Max Bakker, agent for White Wing Ranch North LLC requests a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility and associated equipment on twelve parcels totaling 1,450 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Numbers 152-04-002; 152-05-002 and -003; 152-09-001, -002, -003,-004, and -005; 152-15-002 and -003; and 152-16-001 and -002, located north of Palomas Road between Avenue 66E and Avenue 68E, Dateland, Arizona.

PROJECT SUMMARY: The applicant intends to develop a 210 megawatt (MW) photovoltaic (PV) solar power generating facility.

PUBLIC HEARING: Tentatively scheduled for January 25, 2016.

COMMENTS DUE: December 10, 2015

Please provide a determination of compliance or provide comments.
POC: Judith Movilla. Judith.e.movilla.civ@mail.mil (928)328-2853.

Yuma Test Center Comments:

Yuma Test Center has no objection to the proposed solar facility with the understanding that the United States Army and the Yuma Proving Ground will not be held responsible/liable for any damage that occurs to facility due to the effects of explosive operations or any other testing/training operation that is or may be conducted within the land space and airspace of the Yuma Proving Ground.

moment to fill out the Customer Service Survey in the link below:

<http://yumacountyaz.gov/departments-services/development-services/customer-survey>



January 8, 2016

Jaun Leal Rubio
Yuma County
2351 West 26th St.
Yuma, AZ 85364

Requester Project: N/A
Project Name RFC SUP15-07
TWC Project: N/A

Thank you for your recent Utility Request to Time Warner Cable for:

RFC SUP15-07

Please review the attached maps for any possible conflicts with Time Warner Cable facilities.
There **ARE NOT** existing Time Warner aerial and underground facilities within
the project limits.

We have provided maps showing where our services are located but cannot make any comment on how to deal with possible conflicts during construction. This type of information should come from the Construction Manager, Supervisor or Construction Coordinator for the area in question.

If you should require any field meet or any further coordination of the project with Time Warner please contact the Construction Manager listed below.

Construction Manager Contact:

Lee Hobson
Construction Manager – Zone 10
83473 Avenue 45
Indio, CA 92201
760-674-5455
lee.hobson@twcable.com

If you have any questions about the maps provided please contact Lisa Law at the information provided below.

A handwritten signature in black ink that reads 'Lisa Law'.

Lisa Law
Data Operations Manager
Time Warner Cable
750 Canyon Dr
Coppell, TX 75019
West-engineering-relo@twcable.com



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 25, 2015

CASE NUMBER: Special Use Permit No. 15-07

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Thank you,

Juan Leal Rubio
Senior Planner

Attachments: Vicinity Map, Site Plan, SUP Application Supporting Information

☒ COMMENT ☐ NO COMMENT

Flood Control - A Flood Plain Use permit is not required, even though the project extents are outside the current Flood Insurance Study for Yuma County.

A grading opermit is required if the surface area of the Project Substation and O&M Building are larger than 400 square feet.

DATE: 12/18/15 PRINT/SIGN NAME: Michael Mainer

RETURN TO: Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5050
Email: Juan.Leal-Rubio@yumacountyaz.gov

From: [John Savicky](#)
To: [Juan Leal Rubio](#)
Subject: RE: RFC SUP15-07
Date: Thursday, December 03, 2015 7:50:35 AM

SITE PLAN needs to identify a 66' YC R/W between Hyder road and 1mile northerly per Doc.797 pg 700.

No other comments to documents submitted.

From: Juan Leal Rubio

Sent: Wednesday, November 25, 2015 10:25 AM

To: Angelica Bharat (Angelica.bharat@us.army.mil); Anne Camacho (Anne.camacho@aps.com); Antelope Union High School District #50 (ansmith@antelopeunion.org); Arizona Western College (carole.coleman@azwestern.edu); Becky Hopkins (Wellton@town.wellton.az.us); Bill Knowles (BKnowles@azgfd.gov); Bobbi McDermott (rjsm09@msn.com); Bruce Fenske (Bfenske@azdot.gov); Carmen Juarez (carmenj@cityofsomerton.com); Charles Ruerup (Charles.ruerup@us.army.mil); Chuck Wullenjohn (chuck.wullenjohn@us.army.mil); Crane Elementary School Dist. #13 (bklee@craneschools.org); Doug Bowman (Doug.Bowman@qwest.com); Edmund Ramirez (Edmund.Ramirez@aps.com); Gadsden Elementary School Dist. #32 (agui2400@yahoo.com); Gerry Ramirez (gramirez@azdot.gov); Grosse (Gen@yumaairport.com); Hyder Elementary School Dist. #16 (pkoury@hyder-isd.org); Isabell Limon (IGarcia@azdot.gov); James Garrison (Jgarrison@azstateparks.gov); Jeff Humphrey (Jeff_humphrey@fws.gov); Jennifer Albers (jennifer.albers@yumaaz.gov); Jerry Cabrera (jcabrera@somerton.k12.az.us); Jerry Reiffenberger (jreiffenberger@azda.gov); Joaquin Campa (jcampa@cityofsanluis.org); John Starkey - City of San Luis (jstarkey@cityofsanluis.org); Jon Heidrich (JTheidrich@aol.com); Judith Movilla (judith.e.movilla.civ@mail.mil); Kathy McNamara (Kathy.Mcnamara@aps.com); Laura Noel (info@ssd11.org); Lucy Shipp (lucyshipp@aol.com); Mike Straub - Wellton Mohawk Irrigation District (mstraub@wmidd.org); Mohawk Valley Elementary School Dist. #17 (Sjohnson@mohawk17.org); Paula Backs (paula.backs@usmc.mil); Placido Lopez (placido.lopez@twcable.com); dwatenpaugh@town.wellton.az.us; Blevins, Robert (Bob) - Principal Planner; Roxanne Molenaar (rmolenaar@yumasun.com); Sherry Fajardo (sfajardo@mohawk17.org); Southwest Gas (Rick.rohrick@swgas.com); Stephany Turner; tony lomboy (tony.lomboy@twcable.com); Unit B Irrigation District (bryank@unitBIRR.com); Wellton Elementary School Dist. #24 (Inoel@apsc.org); YMPO (Cgutierrez@ympo.org); YPG Public Affairs Office (usarmy.ypg.atec.list.public-affairs-office@mail.mil); Yum County Water Users Association (tdavis@ycwua.org); Tom Tyree; dfarar1@yumaed.org; Yuma Irrigation District (yid@mindspring.com); Yuma Mesa Irrigation District (Pmorgan@ymidd.org); Yuma Union High School District (abadone@yumaed.org); Pat Headington; Richard J. Stacks; George Amaya; Craig Sellers; John Savicky; Arturo Alvarez

Subject: RFC SUP15-07

Hello,

Please review the attached proposal and let me know if you have any questions or comments.

Thank you,

Juan Leal Rubio
Senior Planner
928-817-5176



If you believe I provided great service to you, it would be greatly appreciated if you please take a moment to fill out the Customer Service Survey in the link below:



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 25, 2015

CASE NUMBER: Special Use Permit No. 15-07

PROJECT DESCRIPTION: Max Bakker, agent for White Wing Ranch North LLC requests a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility and associated equipment on twelve parcels totaling 1,450 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Numbers 152-04-002; 152-05-002 and -003; 152-09-001, -002, -003,-004, and -005; 152-15-002 and -003; and 152-16-001 and -002, located north of Palomas Road between Avenue 66E and Avenue 68E, Dateland, Arizona.

PROJECT SUMMARY: The applicant intends to develop a 210 megawatt (MW) photovoltaic (PV) solar power generating facility.

PUBLIC HEARING: Tentatively scheduled for January 25, 2016.

COMMENTS DUE: ASAP

Please provide a determination of compliance or complete the comments section below and return or forward your comments to me. For additional information, please contact me at (928)817-5176.

Thank you,

Juan Leal Rubio
Senior Planner

Attachments: Vicinity Map, Site Plan, SUP Application Supporting Information

☒ COMMENT ☐ NO COMMENT

All construction to meet the minimum requirements of the Yuma County Comprehensive Building Safety Code

DATE: 11/25/2015 PRINT/SIGN NAME:

RETURN TO: Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 25, 2015

CASE NUMBER: Special Use Permit No. 15-07

PROJECT DESCRIPTION: Max Bakker, agent for White Wing Ranch North LLC requests a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility and associated equipment on twelve parcels totaling 1,450 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Numbers 152-04-002; 152-05-002 and -003; 152-09-001, -002, -003, -004, and -005; 152-15-002 and -003; and 152-16-001 and -002, located north of Palomas Road between Avenue 66E and Avenue 68E, Dateland, Arizona.

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Please provide a determination of compliance or complete the comments section below and return or forward your comments to me. For additional information, please contact me at (928)817-5176.

Thank you,

Juan Leal Rubio
Senior Planner

Attachments: Vicinity Map, Site Plan, SUP Application Supporting Information

☐ COMMENT

☒ NO COMMENT

DATE: 11-30-15 PRINT/SIGN NAME:  R.S.

RETURN TO: Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5050
Email: Juan.Leal-Rubio@yumacountyaz.gov

R.J. Stacks, R.S. Environmental Health Manager

Yuma County
Planning and Zoning
Commission

January 25, 2016

Item No. 5

AIR-6757

5.

P&Z Commission Agenda

Meeting Date: 01/25/2016

Submitted For: Maggie Castro

Submitted By: Fernando Villegas

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Presentation and discussion on possible text amendments to the Zoning Ordinance to address Community Gardens.

2. INTENT:

The Yuma County Public Health Services District prepared a Health Impact Assessment (HIA) in 2015 in partnership with the Health Promotions Division, Health in Arizona Policy Initiative, and Arizona Nutrition Network with significant inputs from the Department of Development Services and other public and community agencies for the purpose of adopting a Community Garden Ordinance for Yuma County.

Community gardens have been identified as part of a strategy for improving access to healthy food, which can reduce food insecurity and help lower the risk of several chronic diseases. The intent is to adopt new section to regulate Community Gardens in Yuma County.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Attachments

Staff Report

Health Impact Assessment



MEMORANDUM

TO: Yuma County Planning & Zoning Commission

FROM: Fernando Villegas, Senior Planner

RE: **Possible text amendment to the Yuma County Zoning Ordinance, Article II—Definitions and proposed new section, Section 1108.18—Community Gardens**

DATE: December 14, 2015

The Yuma County Public Health Services District prepared a Health Impact Assessment (HIA) in 2015 in partnership with the Health Promotions Division, Health in Arizona Policy Initiative, and Arizona Nutrition Network with significant inputs from the Department of Development Services and other public and community agencies for the purpose of adopting a Community Garden Ordinance for Yuma County. An HIA is a systematic process that uses an array of data sources and analytical methods and considers input from stakeholders and the public to determine the potential effects of a proposed policy, plan, program or project on the health of a population and the distribution of the effects within the population. An HIA also provides recommendations on monitoring and managing those effects. Community gardens have been identified as part of a strategy for improving access to healthy food, which can reduce food insecurity and help lower the risk of several chronic diseases. As a result, in recent years a number of community-based and public health initiatives in Yuma County began encouraging and establishing community gardens. However, this has required an adjustment to the zoning regulations in several jurisdictions that did not otherwise include community gardens as a permitted land use. The City of Yuma was the first to respond, and in the fall of 2014, Yuma County Department of Development Services began work on its Community Garden Ordinance. Additionally, the American Planning Association (APA) created an initiative called Plan4Health with the purpose of strengthening the connection between planning and public health. Plan4Health connects communities across the country, funding work at the intersection of planning and public health. Anchored by members of the APA and the American Public Health Association (APHA), Plan4Health supports creative partnerships to build sustainable, cross-sector coalitions. Coalitions work with communities to increase access to healthy food or increase opportunities for active living where residents live, work, and play. The Plan4Health project aims to build local capacity to address population health goals and promote the inclusion of health in non-traditional sectors. Coalitions made up of APA chapters, APHA affiliates, local

non-profits, schools, parks and recreation departments, universities – and more. These coalitions are working to launch and to strengthen strategies for healthy planning.

The comprehensive plan and the planning process can be used as tools for creating an environment that makes the healthy choice the easiest choice. The comprehensive plan is a guide for improving quality of life, promoting economic development, and creating livable spaces, all of which improve community health. The plan and the resulting regulatory changes, capital investments, and other implementation actions can set the foundation for land-use and development patterns that promote positive health outcomes and prevent chronic disease.

In 2010, the American Planning Association, with funding from the Centers for Disease Control and Prevention, began a three-year study to assess the integration of public health into comprehensive plans and their development process. During the next 10 year update to the Yuma County Comprehensive Plan, staff intends to address health in the plan's vision, mission and engagement strategy and approach. One of the plan components will be Active Living and will include planning strategies to address Food and Nutrition. Some planning strategies to address Food and Nutrition are:

- Promote access to clean water and public drinking fountains
- Designate areas in urban as well as rural communities for agricultural use and allow community gardens within all residential neighborhoods
- Promote the availability of healthy, fresh foods in identified food deserts and food swamps

The HIA for the Community Garden Ordinance identified five health outcomes prevalent in Yuma County: Diabetes, cardiovascular disease, obesity, stress, and food security. Health Outcome is defined as follows: The health status of an individual, group or population which is attributable to a number of determining factors such as behaviors, social and community environments, health care services and genetics.

Key findings on the health impact of a Community Garden Ordinance

The HIA examined the impact on health of community gardens that would be initiated by county residents as a result of a Community Garden Ordinance in Yuma County.

Current conditions

The following are key health outcomes and determinants that could be positively affected by the establishment of community gardens:

- 1) Yuma County has higher rates of diabetes (13.3%) than Arizona (9%).
- 2) Yuma County has higher rates of cardiovascular disease (12.9%) than Arizona (10.4%).
- 3) Yuma County has higher rates of obesity (30.2%) than Arizona (24.7%)
- 4) 22.3% of residents in Yuma County and 39.4% of children in Yuma County are food insecure.
- 5) Physical inactivity in Yuma County has been rising in recent years.

Projected impacts

The research literature and stakeholder expert input anticipates the following impacts of community gardens on health:

Physical activity: Those who participate in a community garden will increase their physical activity, which is known to reduce the risk of cardiovascular disease, obesity and stress.

Diet and nutrition: Those who participate in a community garden will significantly increase their consumption of fruits and vegetables and will start eating nutritious foods they were not previously eating. This is especially the case where programming is in place that provides nutrition education and training in food preparation. Increased consumption of fruits and vegetables is associated with lower risk for obesity.

Social capital: Social capital results from the benefits associated with strong relationships with others and includes improved health. Those who participate in a community garden will increase their social interactions with others and will experience lower levels of stress.

Food security: Those who participate in a community garden will enjoy significant food cost savings and will therefore increase their food security. Food insecurity has a significant impact on health, especially that of children, who are sick more often and experience growth impairment, slowed cognitive development, lower school achievement and behavioral problems.

Potential negative impacts: Those who participate in a community garden may increase their exposure to toxins from pesticides or soil contaminants, food-borne illness, heat-related illness and strain injuries. All of these, however, can be mitigated through regulatory measures and appropriate training and education, most of which is already in place.

The purpose of this text amendment is to implement the recommendations in the HIA for the Community Gardens Ordinance. The proposed text amendment is to add language to the Zoning Ordinance to add the following definitions to Section 202.00: Community Garden, Garden Plot, and Compost. Additionally staff is proposing to add a new section, Section 1108.18—Community Gardens, for the purpose of establishing minimum development standards and operational requirements.

The following are the proposed changes to the Zoning Ordinance. Staff is not proposing deleting any text with this proposal.

202.00 – Definitions

Community Garden: A private or public facility for the cultivation of fruits, vegetables, flowers and ornamental plants by more than one person.

Garden Plot: Allocated gardening spaces for cultivating vegetables, fruits, and ornamentals.

Compost: Decayed organic material used as a plant fertilizer.

1108.18 -- Community Gardens

A. General. Community gardens shall consist of land used for the cultivation of fruits, vegetables, plants, flowers or herbs by multiple users. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.

B. Community gardens are allowed in all the zoning districts subject to the following regulations:

1. Operating Rules:

- a. Community gardens shall have a set of operating rules addressing the governance structure of the garden, hours of operation, maintenance, and security requirements and responsibilities.
- b. A garden coordinator shall be designated to perform the coordinating role for the management of the community gardens. The garden coordinator shall be responsible for assigning garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the Department of Development Services.
- c. Soil testing shall be required in cases where community gardens are proposed for sites that are potentially contaminated.
- d. It is recommended that community gardens grow fruits and vegetables that are organically produced, using no synthetic fertilizers or pesticides. The United States Department of Agriculture (USDA) and the United States [Environmental Protection Agency](#) (EPA) governs the use of pesticides.

2. Drainage:

- a. The site shall be designed and maintained to prevent water from irrigation, storm water and/or other activities and/or fertilizer from draining onto adjacent property or right of way.
- b. The site shall be designed and maintained to prevent the ponding of water that could contribute to the breeding of mosquitos.

3. On-Site Activities:

- a. There shall be no retail sales on site, except for produce grown on the site. If retail sales negatively impact residential zoning districts, retail sales shall not be allowed.
- b. No building or structures shall be permitted on the site, with the exception of sheds for storage, greenhouses and small amenities.

- c. Sheds for storage of tools shall be limited in size to 120 square feet in compliance with setbacks for accessory structures.
 - d. Greenhouses, limited in size to 120 square feet and designed in compliance with setbacks for accessory structures, consisting of buildings made of glass, plastic or fiberglass in which plants are cultivated.
 - e. Small amenities such as benches, bike racks, raised/accessible planting beds, compost or waste bins, picnic tables, seasonal farm stands, fences, garden art, rain barrels, and children's play areas are allowed.
 - f. The combined area of all structures shall not exceed 15 percent of the community garden site area.
 - g. Composting material shall be only those materials generated onsite or contributed by active members of the community garden. Containers shall be located a minimum of 3' from property line. Containers shall be covered to reduce odor.
- 4. Signage:**
- a. One non-illuminated sign, not exceeding six (6) square feet and four (4) feet height, per street frontage shall be permitted in residential zoning districts. Signage must include garden name and garden coordinator contact information.
 - b. In all other zoning districts, signs shall comply with the standards for a freestanding signs in the applicable zoning district.
- 5. Fences and Security:**
- Fences and security lighting for community gardens are optional. Fences and security lighting shall meet the requirements for the zoning district.
- 6. Parking:**
- No off street parking required unless retail sales of on-site grown produce are allowed. Parking for community gardens shall meet the requirements of Section 902.00 -- Number of Parking Spaces Required.
- 7. Maintenance required:**
- Property shall be maintained free of high grass, weeds or other debris. Trash and debris should be removed to keep the property looking well maintained and in compliance with Section 1108.05--Maintenance of Yards and Open Space.
- 8. Abandoned or unproductive community gardens:**
- If a community garden is left in an unproductive state for longer than a period of 12 months, the garden coordinator or other individual(s) responsible for the community garden shall remove all plants, weeds, and structures.

Additionally, appropriate changes to the Table of Contents will be made to assure that the titles and page numbers correlate with the respective text.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission initiate a text amendment to the Yuma COunty Zoning Ordinance as presented.



Healthy Choices
Healthy Lifestyles



Yuma County Public Health Services District

**Health Impact Assessment
of a proposed Community
Garden Ordinance for
Yuma County**

June 2015



Public Health
Prevent. Promote. Protect.

PUBLIC HEALTH *Committed to the Well Being of Our Community*

Funding for this project was provided by the National Center for Chronic Disease Prevention and Health Promotion (CCDPH) under grant number U58DP004793.

Yuma County Public Health Services District
Health Impact Assessment: Community Garden Ordinance

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Yuma County Public Health Services District
Health Impact Assessment: Community Garden Ordinance

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Yuma County Public Health Services District

Health Impact Assessment: Community Garden Ordinance

Acknowledgements

The Yuma County Public Health Services District recognizes the effort and dedication of the many participants and stakeholders who contributed to this Health Impact Assessment. The Health Promotions Division, Health in Arizona Policy Initiative and Arizona Nutrition Network have partnered to prepare this document, with significant inputs from the Yuma County Department of Development Services and other public and community agencies. We want to thank Deborah Robinson and Anissa Jonovich of the Arizona Department of Health Services for offering guidance and resources to support this project, and Anna Vakil for providing technical assistance including the literature review, some data analysis, final report revisions and the process evaluation. We are grateful to the members of the HIA Stakeholder Group who participated in regular meetings and interviews (see list below), as well as the Healthy Communities Food Garden Network. We also extend our grateful recognition to the Yuma County citizens who responded to an interview in order to provide key public input.

Technical assistance was funded by a grant from the Pew Charitable Trusts.

Yuma County Public Health Services District Core Health Impact Assessment Team

Annette Perez, Wellness Coordinator, Health in Arizona Policy Initiative

Suzanne Cooper, Program Coordinator, Arizona Nutrition Network

Gloria Coronado, Health Promotions Programs Manager

Arizona Department of Health Services

Deborah Robinson, Chief, Community Innovations

Anissa A. Jonovich, HPM III-Community Planner

Canopy Consulting & Research

Anna Vakil PhD MCIP

Health Impact Assessment Stakeholders

Monty Stansbury, Planning Director, Yuma County Department of Development Services

Stacey Bealmear-Jones, Urban Horticulture Agent, U of A Yuma County Cooperative Extension

Ryan Butcher, Program Coordinator, Yuma County Safe Kids program

Alyssa Linville, Assistant Planner, City of Yuma Department of Community Development

Stephanie Joy Everett, Senior Planner, City of Yuma Department of Community Development

Carol Perez, Management Analyst, Yuma County Intergovernmental Public Transportation Authority

Maggie Castro, Planning Director, Yuma County Department of Development Services (after May, 2015)

Healthy Communities Food Garden Network, a Health District-led network

A Health District led workgroup aimed to increase access to healthy food and physical activity. Formed in 2013 and comprised of subject matter experts, and non-profit organization representatives interested in promoting and supporting community gardens in Yuma County.

Yuma County Department of Development Services

Javier Barraza, Senior Planner

Fernando Villegas, Senior Planner

Yuma County Public Health Services District

Health Impact Assessment: Community Garden Ordinance

Key Health Impact Assessment Concepts & Terms

Health Impact Assessment:

A Health Impact Assessment (HIA) is a systematic process that uses an array of data sources and analytical methods and considers input from stakeholders and the public to determine the potential effects of a proposed policy, plan, program or project on the health of a population and the distribution of the effects within the population. An HIA also provides recommendations on monitoring and managing those effects.

Health Impact/Effect:

Any change in the health of a population or any change in the physical, natural, or social environment that has a bearing on public health.

Health Determinant:

The range of personal, social, economic and environmental factors which determine the health status of individuals or populations. An example of a health determinant relevant for this HIA would be access to healthy food.

Health Outcome:

The health status of an individual, group or population which is attributable to a number of determining factors such as behaviors, social and community environments, health care services and genetics. An example of health outcomes relevant for this HIA would be diabetes and obesity.

Health Equity:

Health equity refers to absence of disparities between population groups with respect to disease and health outcomes. Health equity is impacted by a variety of social factors such as income inequality, educational quality, natural and built environmental conditions, individual health behavior choices and access to health care. Health equity is improved as these disparities are eliminated or minimized. Health inequity is exacerbated as these disparities grow.

Health Disparity:

Differences in the overall rate of disease, morbidity or mortality between one population group and another. Many personal, social, economic and environmental factors contribute to health disparities. Many populations are affected by disparities including racial and ethnic minorities, residents of rural areas, women, children, elderly and persons with disabilities.

Health in All Policies:

The practice of considering health, well-being and equity in the development and implementation of policies, projects and programs in non-health sectors. It involves a range of activities, such as HIA, to achieve better health outcomes and reduce health disparities.

Rapid, Intermediate and Comprehensive HIA:

Rapid HIA involves collection and analysis of existing data only. An Intermediate HIA is the most common type and entails a more thorough investigation of health impacts as well as the collection of some new data. A Comprehensive HIA involves the collection and analysis of new data using multiple methods and sources and is the most costly and time-consuming of the three.

Yuma County Public Health Services District

Health Impact Assessment: Community Garden Ordinance

Executive Summary

Community gardens have been identified as part of a strategy for improving access to healthy food, which can reduce food insecurity and help lower the risk of several chronic diseases. As a result, in recent years a number of community-based and public health initiatives in Yuma County began encouraging and establishing community gardens. However, this has required an adjustment to the zoning regulations in several jurisdictions that did not otherwise include community gardens as a permitted land use. The City of Yuma was the first to respond, and in the fall of 2014, Yuma County Department of Development Services (Department of Development Services) began work on its own Community Garden Ordinance.

A Health Impact Assessment (HIA) is an information gathering tool used to inform and promote policy decisions that are beneficial for health. Information gathered includes an examination of research literature, data on health outcomes and determinants, and input from stakeholders, experts and the public. From the fall of 2014 to June of 2015, with funding from the Centers for Disease Control and the Pew Charitable Trusts and assistance and support from the Arizona Department of Health Services, the Yuma County Public Health Services District (Health District) conducted a HIA on a proposed Community Garden Ordinance for Yuma County. The main goal of the HIA was to inform Department of Development Services of the health impacts of the Community Garden Ordinance with a focus on four main health determinants: physical activity, diet and nutrition, social capital and food security. The decision-making process for the Community Garden Ordinance will culminate with the submission of a zoning text amendment along with a staff report to the County Board of Supervisors, anticipated to take place in late 2015.

Key decision makers associated with the HIA are Department of Development Services, the Health District and the Yuma County Board of Supervisors. The HIA findings will also serve as an educational tool and example for members of the Yuma County Citizen Advisory Groups, which will help provide public input into the formulation of the Yuma County 2030 Comprehensive Plan. Other stakeholders include the City of Yuma, the University of Arizona Yuma County Cooperative Extension (Cooperative Extension), Yuma County Injury Prevention Program, Arizona Nutrition Network (Nutrition Network), Health in Arizona Policy Initiative (HAPI) and Arizona Alliance for Livable Communities.

Key findings on the health impact of a Community Garden Ordinance

This HIA examines the impact on health of community gardens that would be initiated by county residents as a result of a Community Garden Ordinance in Yuma County.

Current conditions

The following are key health outcomes and determinants that could be positively affected by the establishment of community gardens:

- 1) Yuma County has higher rates of diabetes (13.3%) than Arizona (9%).
- 2) Yuma County has higher rates of cardiovascular disease (12.9%) than Arizona (10.4%).
- 3) Yuma County has higher rates of obesity (30.2%) than Arizona (24.7%)
- 4) 22.3% of residents in Yuma County and 39.4% of children in Yuma County are food insecure.
- 5) Physical inactivity in Yuma County has been rising in recent years.

Projected impacts

Yuma County Public Health Services District

Health Impact Assessment: Community Garden Ordinance

The research literature and stakeholder expert input anticipates the following impacts of community gardens on health:

Physical activity: Those who participate in a community garden will increase their physical activity, which is known to reduce the risk of cardiovascular disease, obesity and stress.

Diet and nutrition: Those who participate in a community garden will significantly increase their consumption of fruits and vegetables and will start eating nutritious foods they were not previously eating. This is especially the case where programming is in place that provides nutrition education and training in food preparation. Increased consumption of fruits and vegetables is associated with lower risk for obesity.

Social capital: Social capital results from the benefits associated with strong relationships with others and includes improved health. Those who participate in a community garden will increase their social interactions with others and will experience lower levels of stress.

Food security: Those who participate in a community garden will enjoy significant food cost savings and will therefore increase their food security. Food insecurity has a significant impact on health, especially that of children, who are sick more often and experience growth impairment, slowed cognitive development, lower school achievement and behavioral problems.

Potential negative impacts: Those who participate in a community garden may increase their exposure to toxins from pesticides or soil contaminants, food-borne illness, heat-related illness and strain injuries. All of these, however, can be mitigated through regulatory measures and appropriate training and education, most of which is already in place.

Recommendations for a Community Garden Ordinance

Several measures can be adopted that facilitate the establishment of community gardens and help ensure that they are successful. The following recommendations would therefore enhance the positive health impacts and reduce the negative impacts of this ordinance:

- 1) That residents interested in establishing community gardens be connected with existing programming support that trains gardeners in efficient gardening techniques, organizational and leadership effectiveness, and how to avoid heat-related illness, food-borne illness, toxin exposure and strain injuries. Cooperative Extension currently offers several different types of this training.
- 2) That soil testing be required in cases where community gardens are proposed for sites that are potentially contaminated and that precautionary soil testing be adopted as a best practice.
- 3) That the Health Services District continue to maintain its existing nutrition programming in order to encourage and support residents in food desert neighborhoods to participate in community gardens. The Nutrition Network already has programs in place that include gardening workshops, nutrition classes and cooking demonstrations.
- 4) That the Department of Development Services encourages the use of vacant land, especially county-owned public land, for community gardens, particularly land that is currently underutilized.

Yuma County Public Health Services District

Health Impact Assessment: Community Garden Ordinance

Conclusion

Summary of health outcomes and impacts

Summary of Health Outcomes & Impacts			
Health Outcome or Determinant	Direction of Impact	Distribution of Impacts	Quality of Evidence
Increased physical activity	+	All segments of the population	***
Reduction in Type-2 diabetes	+	All segments of the population, children, youth	*
Reduction in cardiovascular disease	+	All segments of the population	*
Reduced obesity	+	All segments of the population, children, youth, Hispanics	**
Increased consumption of fruits & vegetables	+	All segments of the population, children, youth	**
Increased social interaction	+	Adults, elderly	***
Reduced stress	+	Adults	**
Food cost savings	+	All segments of the population	*
Food security	+	All segments, children & youth	**
Increase strains & injuries, heat related illness, food borne illness	-	All segments of the population	*
Key: * Less than 5 Studies, ** 5-10 Studies, *** 10-20 Studies			

Summary of health outcomes and impacts is also described in body of document see page 24.

Yuma County Public Health Services District

Health Impact Assessment: Community Garden Ordinance

Introduction

Lack of food security in the US is a significant public health problem. In 2009, it was estimated that approximately 14% of Americans were food insecure (Reference #22). Parallel with this, cardiovascular disease, diabetes and obesity have presented a growing chronic disease burden for the population and the health care system. The CDC has identified that part of a strategy for combating both of these problems is improving access to healthy foods (17).

Yuma County, Arizona, illustrates a unique paradox that while being a vital provider of fresh produce to the nation for much of the year, food insecurity for its own citizens is exceptionally high. As well, rates of several chronic diseases in Yuma County are higher than those in both Arizona and the US, particularly obesity (25). In response to these issues, the community has arisen to initiate several efforts that work towards increasing access to healthy food. One of these is a growing interest in establishing community gardens, however, community gardens have until recently not been permitted by planning jurisdictions in the county.

The City of Yuma was the first to approve a community garden ordinance in April of 2015 and in the fall of 2014 Yuma County began the process of formulating theirs. This development presented an opportunity for the Yuma County Public Health Services District (Health District) to conduct the county's first Health Impact Assessment (HIA).

The purpose of this HIA is to investigate the potential health impacts of a proposed Community Garden Ordinance for Yuma County that is being prepared by the Yuma County Department of Development Services (Department of Development Services). An HIA is one of several tools available that examine the intended and unintended effects of policies, programs and projects on community health.

For the purpose of this HIA, we define "community garden" as any piece of publicly or privately owned land that is planned, designed, built, maintained and gardened by a group of community members for the purpose of producing fruits, vegetables (and sometimes ornamentals) for consumption by community garden members or for donation.

Background: Building a movement for healthy eating in Yuma County

In an effort to build interest and participation in increasing access to healthy food, decreasing risk factors for obesity, reducing the incidence of chronic diseases, and promoting opportunities for physical activity, the Health District, Health in Arizona Policy Initiative (HAPI) and the Arizona Nutrition Network (Nutrition Network) created the Healthy Communities Food Garden Network (Food Garden Network) in August 2013, comprised of individuals and representatives of organizations interested in promoting and supporting community gardens.

Representatives from the following agencies attended an initial roundtable discussion: City of Yuma Housing Authority, Housing America (a local nonprofit housing organization), Palmcroft Elementary School, the Yuma Community Food Bank, JV Farms & Smith (a local farming company) the University of Arizona Yuma County Cooperative Extension (Cooperative Extension), Dr. Jeanne Elnadry (a local physician affiliated with Hospice of Yuma), and other Health District representatives (Deputy Director and Emergency Preparedness). The network has since expanded and now includes representation from the Department of Development Services, City of Yuma Neighborhood Services division, the City of Yuma Planning and Zoning division, the City of Somerton Parks & Recreation division, Crossroads

Yuma County Public Health Services District

Health Impact Assessment: Community Garden Ordinance

Mission and the Cocopah Indian Tribe. The goal of the Food Garden Network is to increase access to healthy food, as well as create community awareness around the multiple benefits of food gardens.

At approximately the same time, the Yuma Regional Medical Center launched the Yuma County Arizona: Healthiest County in America initiative. This effort has four areas of focus: child and family health, chronic disease prevention, access to comprehensive care and workplace wellness, as well as Healthy Eating Adventure Yuma, which encourages eating plant-based whole foods (4). Another significant parallel development is A Healthy Somerton (1), an initiative of the Regional Center for Border Health Inc. that focuses on chronic disease management and increasing physical activity, which also includes a Farmers Market On Wheels that provides fresh produce to Somerton neighborhoods.

As discussions about food gardens gained momentum within Yuma County, school boards and private landowners joined the movement. In September 2014, HAPI in collaboration with the Arizona Department of Health Services and the University of Arizona College Of Agriculture offered a local School Garden Certification program. Schools learned how to meet requirements that enable fresh produce to be safely served in school cafeterias from their on-site school gardens and learned how to develop a school garden curriculum. Currently, there are over eight school gardens and five privately owned gardens operating within Yuma County.

About this Health Impact Assessment

In October 2014, the Health District secured a grant from the Centers for Disease Control distributed through the Arizona Department of Health Services to conduct an HIA on the proposed Yuma County Community Garden Ordinance. Funding to support technical assistance for the project was provided from the Pew Charitable Trusts in November 2014 and Anna Vakil of Canopy Consulting and Research (the Consultant) was contracted to provide this assistance.

The research conducted for this HIA identified four main pathways to health that can result from community gardens. It also proposed recommendations that can enhance these health benefits:

- 1) Physical Activity
- 2) Diet and Nutrition
- 3) Social Capital
- 4) Food Security

There are six essential steps involved in conducting an HIA.

1. **Screening:** The screening process determines if conducting an HIA will benefit the project, plan, program and/or policy and decision makers.
2. **Scoping:** The scoping process identifies the goals, objectives and key health determinants of the HIA.
3. **Assessment:** The assessment process creates a profile of the population affected and existing conditions of the health and environmental outcomes. It also involves collecting information in order to estimate or project positive and negative consequences of the decision.

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4. **Recommendations:** The recommendation process involves suggestions and/or actions for avoiding negative impacts and the opportunity to leverage resources to improve health outcomes.
5. **Reporting:** The reporting process is the presentation of evidence-based recommendations to guide in the final formulation of the decision.
6. **Monitoring and Evaluation:** The monitoring and evaluation process allows the opportunity to determine how the HIA was used, and whether its projections and predictions were accurate. Monitoring also allows for long-term review of implementation of the recommendations and measurement of health outcomes.

The sections which follow describe each of these respective steps.

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Screening: Is an HIA appropriate?

The main purpose of the screening step of the HIA is to determine whether to proceed with an HIA. In this case, the decision was taken to move forward with an HIA of the Community Garden Ordinance for the following reasons: feasibility and timeliness of the HIA relative to the decision-making process of the ordinance, suitability of the topic for the first HIA to be conducted in Yuma County, the policy had potentially important impacts on health, there were sufficient resources to conduct an HIA and there was receptivity of stakeholders. Based on the resources available and the proposed timeline (October 2014 through June, 2015), it was decided that a project somewhere between a Rapid and an Intermediate HIA was feasible since resources were limited but allowed for some new data to be collected.

A Core Team at the Health District was formed to lead the HIA process consisting of Annette Perez, Wellness Coordinator, Health in Arizona Policy Initiative; Suzanne Cooper, Program Coordinator, Arizona Nutrition Network; and Gloria Coronado, Health Promotions Programs Manager; along with Anna Vakil, the Consultant providing technical assistance.

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Scoping the HIA

The HIA Core Team decided that the main goals of the HIA were to:

- 1) Inform the Department of Development Services and other key stakeholders and decision-makers about the health impacts of the proposed Community Garden Ordinance.
- 2) Facilitate partnerships and a learning process among stakeholders about how to do an HIA and the value of HIAs as an important tool in a Health in All Policies strategy.
- 3) Identify recommendations for existing and new policies and programs that enhance the health benefits of community gardens.

Proposed ordinance and HIA study area

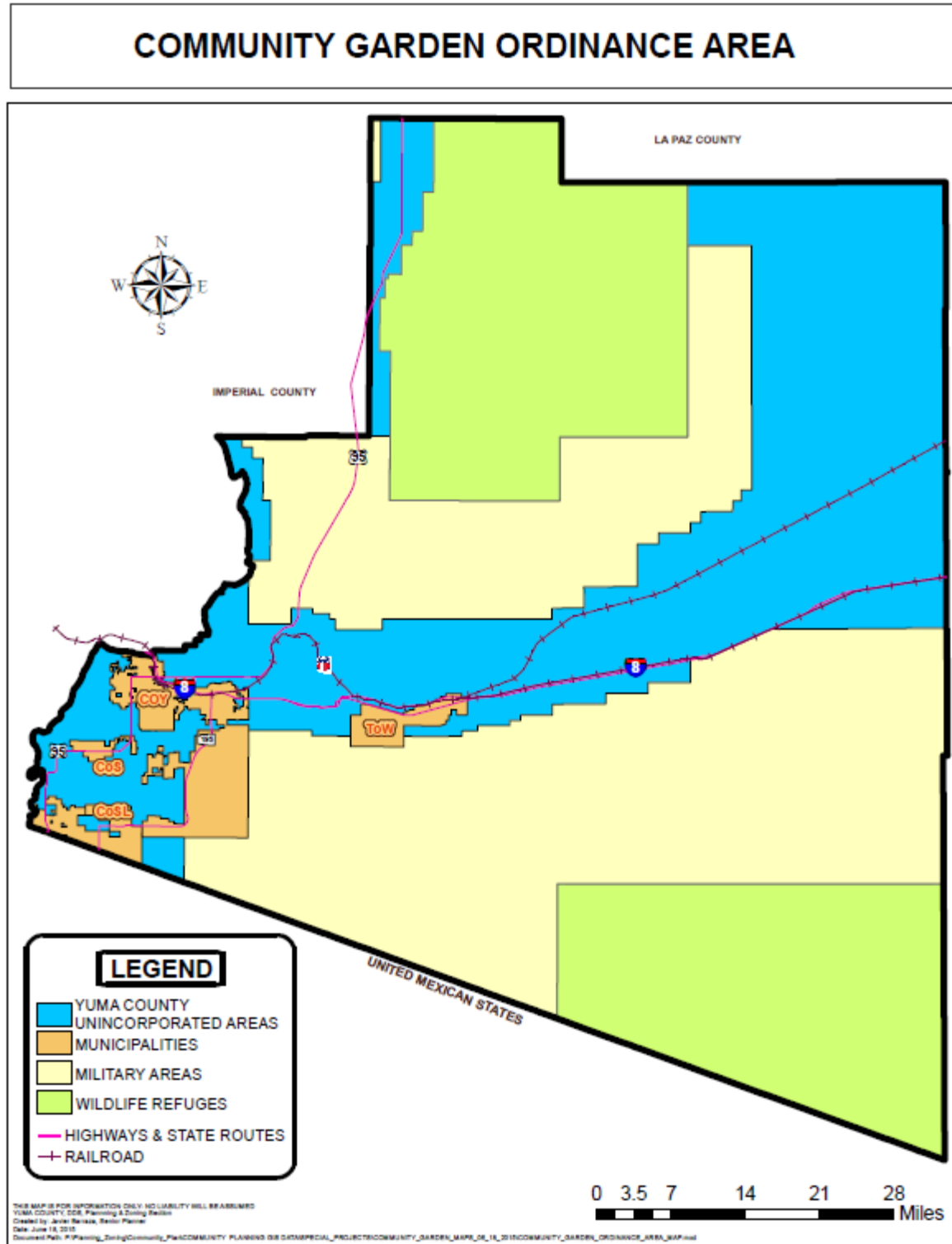
The Department of Development Services first considered proposing a community garden ordinance for Yuma County in 2013 following the passage of similar ordinances in the City of Phoenix. In April 2015, the city council of the City of Yuma approved a text amendment permitting community gardens as a land use in several types of residential, commercial, agricultural, industrial and recreational zoning districts in the city and also signaled support of a Community Garden Policy adopted by the Community Development Department. Since parts of Yuma County are contiguous with the City of Yuma, Department of Development Services indicated to the HIA Core Team their intention that any new proposed community garden ordinance for the county should be compatible with what the City of Yuma already has in place.

The current timeline for approval of the county ordinance is late 2015, involving the submission of a zoning text amendment to the County Board of Supervisors accompanied by a staff report, which can include health-related language and other recommendations from this HIA. Work on the 2030 Comprehensive Plan will also begin soon and is expected to be submitted to the County Board of Supervisors in early 2020. The Department of Development Services is hoping to learn from this HIA about how best to incorporate health outcomes into the process of preparing the 2030 Comprehensive Plan.

For the purpose of making the project manageable, it was decided that the HIA would focus on the unincorporated areas in Yuma County and unincorporated areas where the county ordinance cannot be enforced. By definition, this removed the larger urban centers such as the cities of Yuma, Somerton and San Luis, the Yuma Proving Ground and Marine Corps Air Station-Yuma, wildlife refuges and the Cocopah Indian Tribe Reservation, consisting of three noncontiguous areas occupying 6,500 acres on or near the Colorado River west of Yuma (see Figure 1). This enabled a focus on those areas that were directly under the jurisdiction of The Department of Development Services and the proposed ordinance. Notwithstanding this, it is hoped that the information and results provided by this HIA will be used by the cities of Yuma, Somerton and San Luis, as well as the Cocopah Indian Tribe.

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Figure 1: Community Garden Ordinance Area



The total population affected by the Community Garden Ordinance consists of those residing in the unincorporated areas of Yuma County 2013, was 63,007 people (75). Much of the policy area is

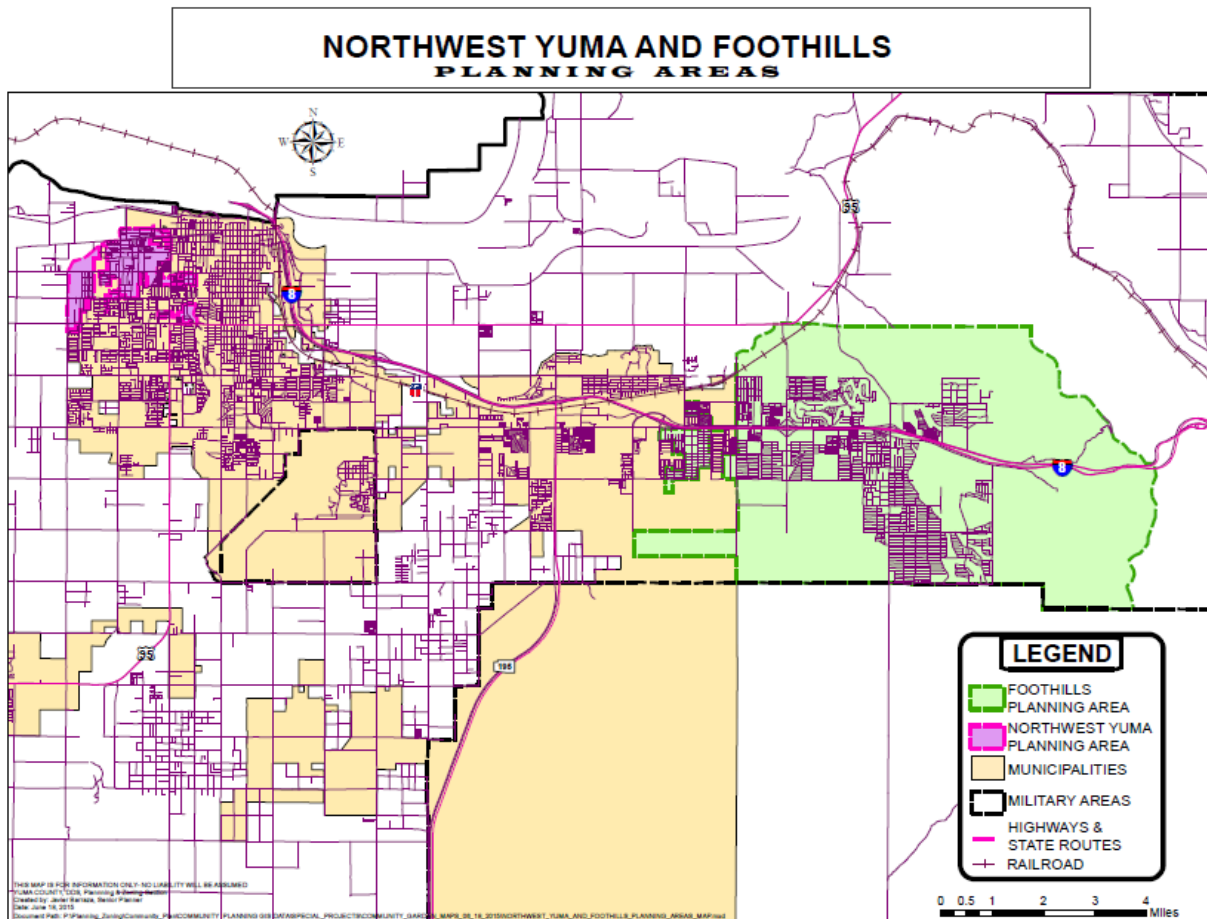
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uninhabited desert or rural farmland; where community gardens are unlikely to be established. As a result, a decision was taken early on to further focus the HIA on neighborhoods in higher-density urban areas within the Community Garden Ordinance area. After consulting with The Department of Development Services, three zones meeting this definition were identified, (two are illustrated in Figure 2):

- 1) Northwest Yuma, which is the urbanized area west of Yuma contiguous with the city
- 2) Foothills, which is the urbanized area east of Yuma
- 3) “County islands” within the City of Yuma, which are small unincorporated areas of Yuma County surrounded on all sides by the City of Yuma

Figure 2: Northwest Yuma and Foothills



Engaging stakeholders

To ensure a collaborative process for the HIA, a Stakeholder Group was formed, include representation from other key divisions of the Health District, City of Yuma Planning Dept. staff, Co-operative Extension, Yuma County Intergovernmental Public Transportation Authority (Carol Perez, Management Analyst) and the Regional Center for Border Health Inc. Throughout the process, the Food Garden Network, which continued to meet regularly, was considered to be a broader stakeholder group for the HIA. Updates on the HIA were provided at every Food Garden Network meeting and input from the various participants was also solicited.

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The stakeholder strategy consisted primarily of a series of four meetings that served the dual purpose of providing information updates and soliciting input from stakeholders at key points of the HIA process:

- 1) February 10, 2015: Input solicited from stakeholders on health outcomes and determinants for the Pathway Diagram.
- 2) April 10, 2015: Presentation of draft Pathway Diagram and interviews of stakeholders on key Assessment variables.
- 3) June 3, 2015: Solicitation of recommendations and suggestions.
- 4) July, 2015: Presentation of Final HIA Report.

Engaging residents: vulnerable populations

While the entire population of the Community Garden Ordinance area will benefit from the establishment of community gardens, our preliminary investigations indicated that the strongest positive impacts would be seen in the vulnerable populations. In addition, HIA best practices encourage the targeting of limited resources toward understanding issues faced specifically by vulnerable populations (83).

Vulnerable populations for this HIA are those people within the Community Garden Ordinance area who live in food deserts. A food desert is “a low-income census tract where either a substantial number or share of residents has low access to a supermarket or large grocery store” (96). In Yuma County as a whole, 11% of residents do not have access to healthy food (25).

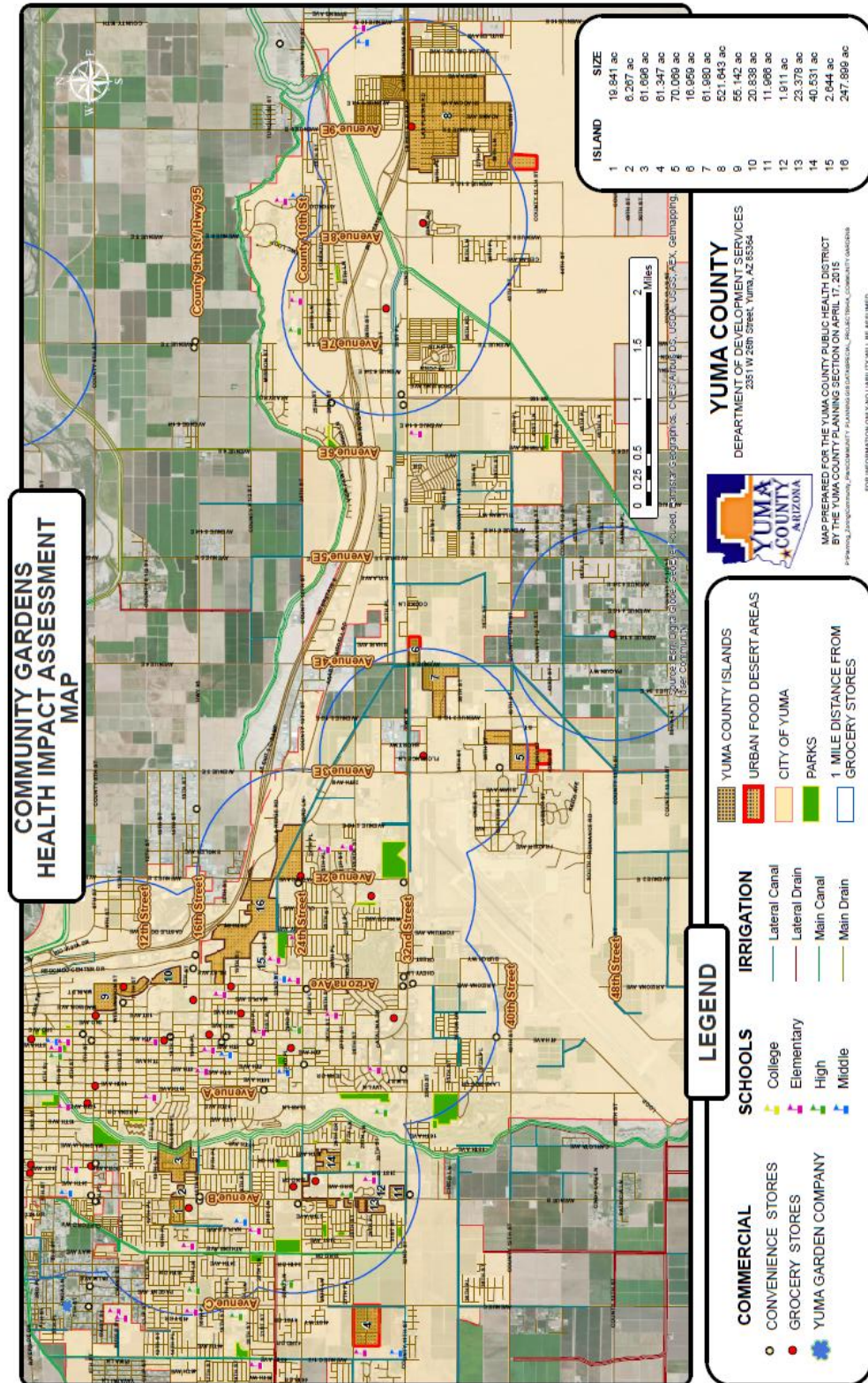
It was decided that public input would be sought from those in the study area residing in food deserts. However, soliciting participation of people residing in these areas is known to be challenging. It was therefore determined that an effective strategy would involve capitalizing on relationships the Health District already has in these neighborhoods. The Department of Development Services was asked to prepare a map showing food deserts in the county islands of Northwest Yuma to facilitate choosing an appropriate neighborhood where residents could be approached to provide input into the HIA.

The Health District currently runs nutrition programs out of several primary schools, which involve meeting regularly with parents of children enrolled in the Headstart Program, so two of these schools located in food desert County Island neighborhoods in Northwest Yuma were chosen as venues where resident input could be sought.

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Figure 3: County islands and food deserts in a section of Northwest Yuma



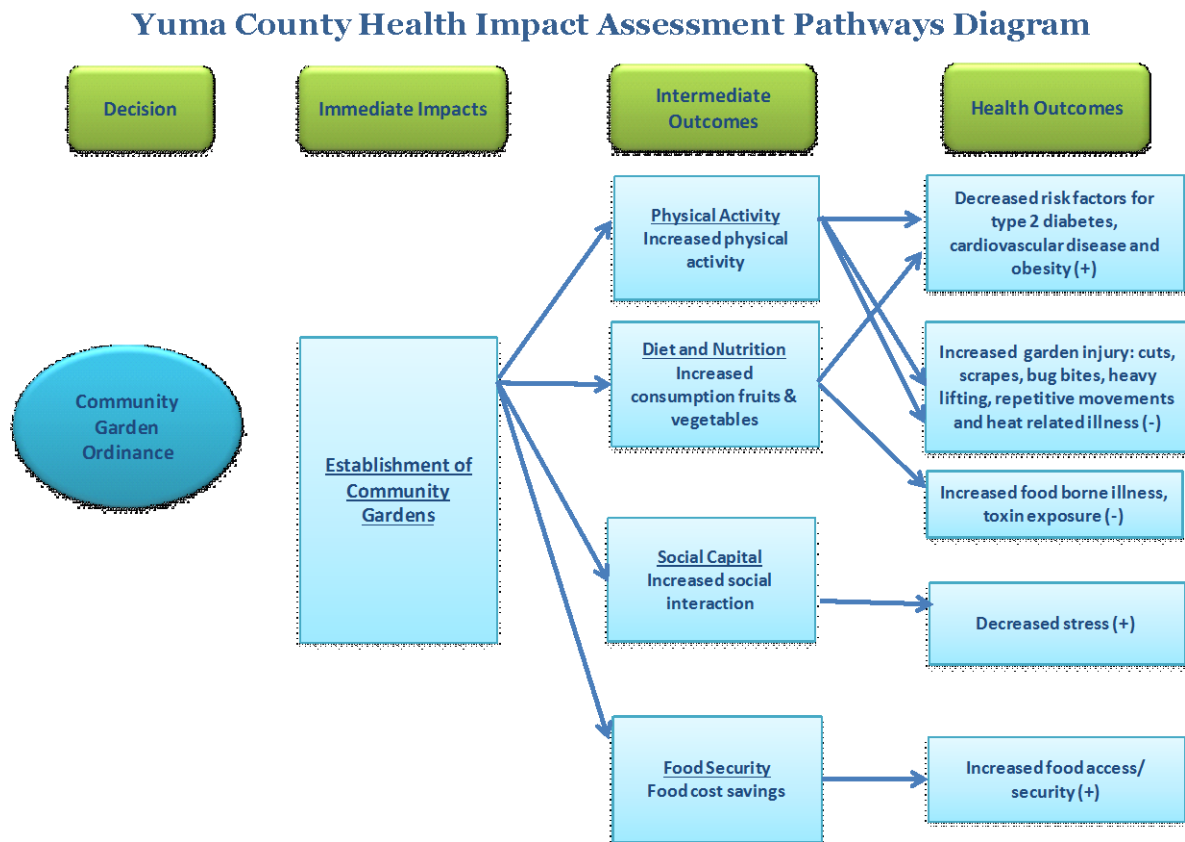
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HIA Pathways to health

A preliminary pathway diagram resulted from the Stakeholder Group meeting of February 10, 2015 that was further developed during the HIA process. Four main pathways were identified that affect health outcomes: physical activity, diet and nutrition, social capital and food security. These pathways are outlined here and described more fully in the Assessment section.

Figure 4: Community Garden HIA Pathways



Physical Activity

It was anticipated that community gardens would increase opportunities for physical activity, which would have a positive impact on four health outcomes emphasized in the research literature: type 2 diabetes; cardiovascular health; obesity and stress. It also anticipated that gardening might increase the probability of strains and injuries as well as heat-related illness, particularly during the summer months. Interviews of residents revealed that 60% of respondents indicated they would be willing to walk more than a mile to a community garden. 40% would be willing to walk less than a mile.

Diet and Nutrition

The second major health pathway is diet and nutrition as a direct result of increased access to fresh produce. It was expected that this would lead to increased consumption of fruits and vegetables among community gardeners, which would in turn have a positive impact on three major health outcomes of type 2 diabetes, cardiovascular health and obesity. It was also anticipated that increased consumption of fresh produce might lead to higher exposure to food-borne illnesses and toxins such as pesticides or soil contaminants.

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Social Capital

Social capital refers to mutual support networks among individuals and households enabling them to function more effectively. Typical examples include resource sharing that occurs at the neighborhood level such as mutual childcare arrangements. This pathway results primarily from increased opportunities for social interaction provided by community gardens, which would also tend to reinforce cultural expression and enhance family relationships. All of these factors would have the effect of reducing stress levels.

Food Security

The fourth major pathway for intermediate outcomes begins with increased food cost savings, which will have a direct positive impact on food security. These savings would free up household resources for other important household expenses.

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Assessment: The health impacts

The Assessment phase of an HIA identifies baseline data available for the most important health outcomes and determinants. It also entails estimating the health impacts in terms of likelihood and possible distribution within the population based on the research evidence. Below are a brief review of the methods used and an outline of significant impacts that may be important for consideration in the formulation of the Community Garden Ordinance.

Assessment Methods

What has already been learned about community gardens and health?

A literature search was conducted using keyword searches derived from the health outcomes and determinants of the HIA Pathway Diagram utilizing English-language digital databases that included studies from the US, Canada, the UK and Australia: EBSCO (sciences, health, social sciences and humanities) and PubMed (medicine, dentistry, nursing, physical therapy biomedical research, clinical practice, administration, policy issues and health care services).

This search resulted in 111 references relevant to the HIA. A document summarizing the most important 37 of these references was prepared that summarized methodology and main findings for each study in order to facilitate informed discussion about the literature within the HIA Core Team.

Ground-truthing: drawing on stakeholder expertise

Like any subject area, the national and international literature on community gardens and health must be connected to what is locally relevant. As a result, attempts to project future impacts of a proposed policy need to be grounded in local experience and expertise. The HIA literature describes this as “ground-truthing” (90). Information was collected from expert members of the stakeholder group, consisting of 12 individuals (including HIA Core Team members) in the form of individual structured interviews and focus group discussions during Stakeholder Group meetings. Information was also gleaned from the proceedings of the Food Garden Network, which met regularly throughout the HIA process.

Ground-truthing: Yuma County resident perceptions

A strategy was developed to obtain input from Yuma County vulnerable populations living in food deserts, capitalizing on existing relationships the Health District has in these areas. Structured interviews were held with parents of preschool or Headstart children in both English and Spanish at two sites on two different dates in May 2015. An interview guide was developed in both English and Spanish and gift cards were provided as incentive. Questions were asked about the respondent’s past experience with gardening, receptiveness to the possibility of participating in a community garden, distance respondent is willing to walk to a community garden, and concerns about community gardens in general. A total of 22 interviews took place.

What we found: HIA results

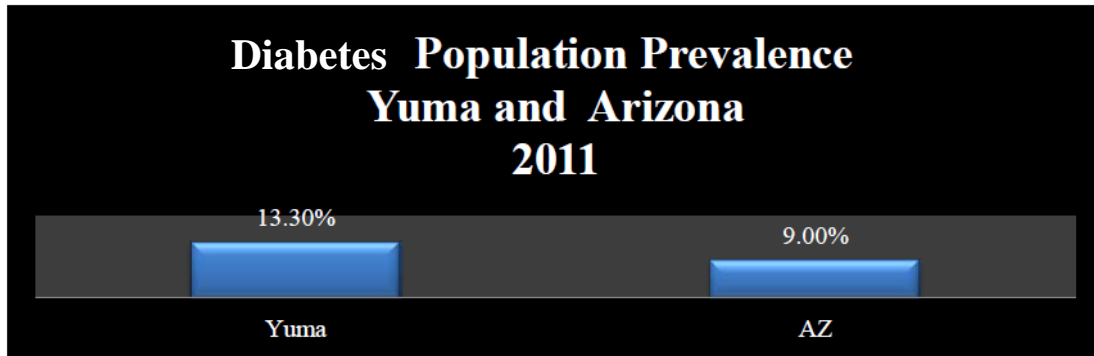
This section first presents baseline information on the main health outcomes: diabetes, cardiovascular disease, obesity, stress and food security. This is followed by an assessment of the four main pathways to health (physical activity, diet and nutrition, social capital and food security). Other potentially important impacts are also briefly reviewed. Finally, resident perceptions about community gardens are described.

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Where are we now? Baseline data on health outcomes
Type-2 diabetes

Figure 5: Diabetes in Yuma County



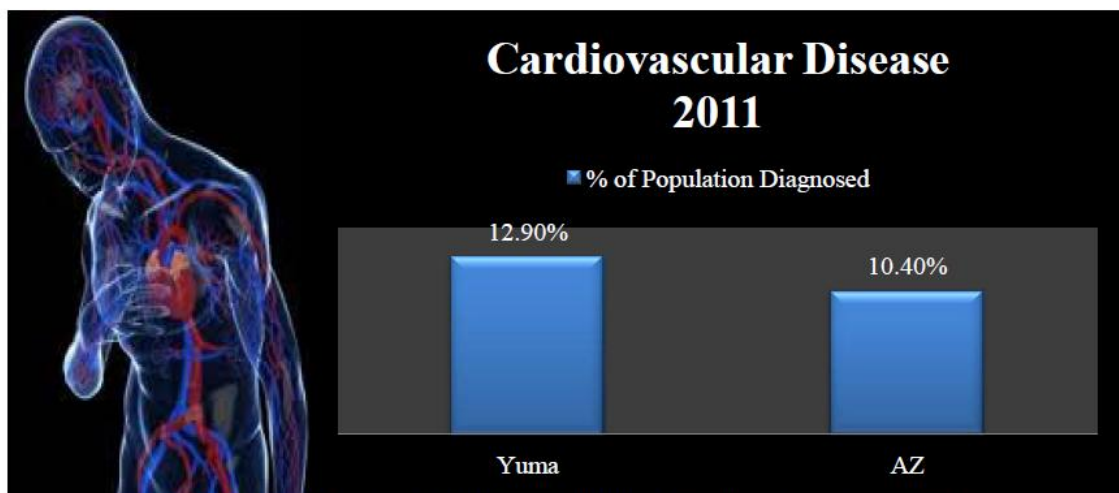
Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Arizona Health Matters 2010 Data.

Source: *Yuma County Health Assessment, 2012*

Figure 1 illustrates that Yuma County had significantly higher rates of diabetes in 2011 than the state of Arizona as a whole. Obesity and physical inactivity are risk factors contributing to diabetes rates. Diabetes itself also increases the risk for heart disease, neuropathy and stroke and often remains undiagnosed (111). Type-2 diabetes is increasingly being seen in the child population, which is of special concern.

Cardiovascular disease

Figure 6: Cardiovascular disease in Yuma County



Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey 2010 Data.

Source: *Yuma County Health Assessment, 2012*

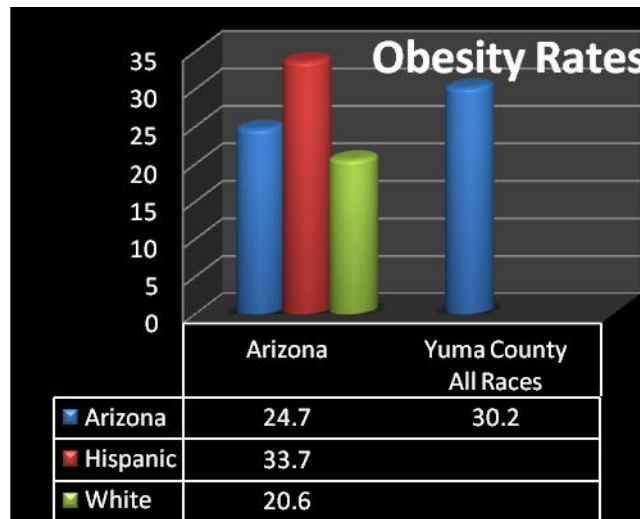
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Cardiovascular disease describes any condition that affects the heart muscle, valves or rhythm. As can be seen in Figure 6, rates of this disease in Yuma County for 2011 are higher than Arizona. The most serious consequence of cardiovascular disease is sudden death. Unhealthy diet, physical inactivity, obesity and smoking raise the risk of cardiovascular disease (96).

Obesity

Figure 7: Obesity in Yuma County



Source: Yuma County Community Health Needs Assessment, May 2009

The obesity problem in the US is well document and, as can be seen in Figure 7, obesity rates are higher in Yuma County than Arizona as a whole, approaching one-third of the population. Furthermore, Hispanics, which in 2013 comprised 61% of Yuma County’s population (94), tend to have the highest obesity rates. Obesity is a serious health threat that leads to higher risk for several diseases and conditions including heart disease, stroke, high blood pressure, type-II diabetes, some cancers, gallbladder disease, osteoarthritis, gout, and breathing problems such as sleep apnea and asthma. While obesity is basically caused by eating too much and moving too little, a diet that includes plenty of fresh vegetables and fruits is part of an effective weight control strategy (16). Childhood obesity is a growing trend and is of special concern since health during childhood sets the stage for the remainder of the lifecycle. As well, the long term consequences of childhood obesity are not yet fully understood. Although not recent data, in 2005, nearly 36% of students in grades 9 through 12 living in Yuma County were overweight or at risk of becoming overweight (6).

Stress

Stress reduction is an important potential benefit of gardening. Since baseline figures on stress levels in Yuma County were not readily available, two proxy variables were identified. The first is number of “poor mental health days” in one month; Yuma County ranked relatively well in Arizona with 3.1, as compared with 3.4 for Arizona as a whole. The second is “social associations”, which is a measure of connectedness to formal social associations. For Yuma County, this is 4.4, as compared with 5.7 for the state of Arizona (25). However, this number could be deceptive in that it does not take into account informal associations, which can be a strong source of social support.

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Food security

Food insecurity is a continually shifting concept, but generally means that consistent access to adequate food is limited by a lack of money and other resources at times during the year. By this measure, Yuma County ranks among the highest in Arizona for food insecurity: 22.3% of the population and 39.4% of children in 2013 (65). Changes in a household's socio-economic situation, especially if sudden, can trigger food insecurity (22). Examples are housing change or job loss. Food insecurity is a major health problem, especially for children since it results in being sick more often, growth impairment, slowed cognitive development, lower school achievement and behavioral problems (19, 80).

Community garden pathways to health

Based on the examination of the research literature, stakeholder input and resident input, the following projections were made regarding the health impacts of community gardens in Yuma County that can be realized through implementation of the Community Garden Ordinance. The likelihood and distribution of these impacts will be further enhanced if the suggestions outlined in the Recommendations section are implemented. The following table provides a summary of the anticipated health impacts of the proposed ordinance.

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Table 1: Summary of health outcomes and impacts

Summary of Health Outcomes & Impacts			
Health Outcome or Determinant	Direction of Impact	Distribution of Impacts	Quality of Evidence
Increased physical activity	+	All segments of the population	***
Reduction in Type-2 diabetes	+	All segments of the population, children, youth	*
Reduction in cardiovascular disease	+	All segments of the population	*
Reduced obesity	+	All segments of the population, children, youth, Hispanics	**
Increased consumption of fruits & vegetables	+	All segments of the population, children, youth	**
Increased social interaction	+	Adults, elderly	***
Reduced stress	+	Adults	**
Food cost savings	+	All segments of the population	*
Food security	+	All segments, children & youth	**
Increase strains & injuries, heat related illness, food borne illness	-	All segments of the population	*
Key: * Less than 5 Studies, ** 5-10 Studies, *** 10-20 Studies			

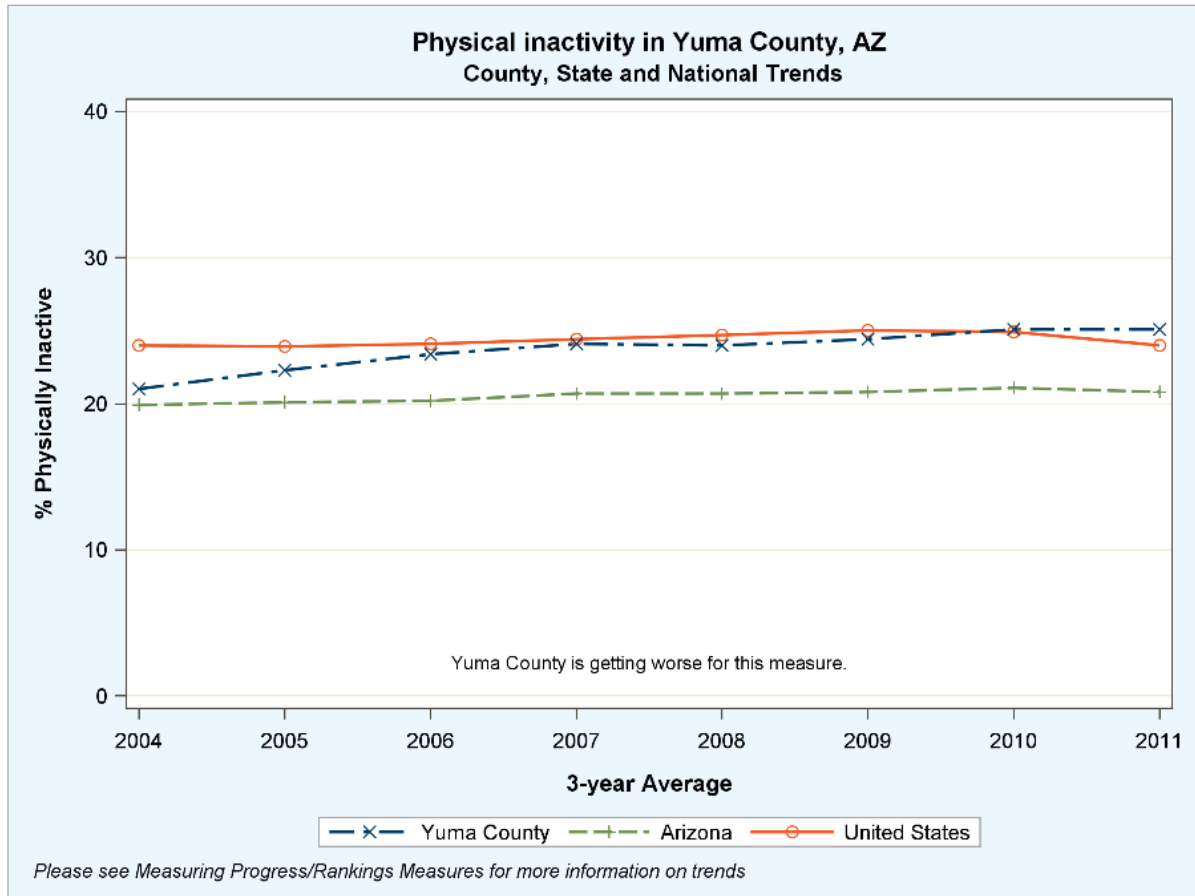
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Physical activity

It can be seen in Figure 8 that between 2004 and 2011, the rate of physical inactivity in Yuma County rose; while holding steady both in Arizona and in the country as a whole. The recent trend in Yuma County with respect to physical inactivity therefore appears to be moving in the wrong direction.

Figure 8: Physical inactivity in Yuma County



Source: County Health Rankings and Roadmap, 2015

Figure 9: Physical activity pathway



It is predicted that those who participate in a community garden will experience an increase in the level of physical activity (29, 39, 101). Gardening meets the US Department of Health and Human Services standards for moderate or vigorous-intensity physical activity and helps assist management of type 2 diabetes if done at least 10 minutes daily (64, 42). This is also the case for both children and senior

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citizens (46, 77, 76, 106, 107). Physical activity in general reduces the risk of stroke, cardiovascular disease and coronary heart disease (103). It also contributes generally to reduced rates of obesity and stress (39, 98, 14, 101).

Greater physical activity associated with community gardens can potentially lead to an increase in strains and injuries. Poor body mechanics during gardening activities can result in low back pain, knee and muscle/joint pain (77), although some of this evidence comes from study of professional rather than recreational gardeners (56). We believe this negative impact can be mitigated and address this in the Recommendations section.

A potential association between gardening and heat-related illness was not mentioned in the research literature, however, in southern Arizona this possibility must always be taken seriously. Stakeholder input indicated that the main growing season in Yuma is September through June, although some types of produce (melons, okra, eggplant) can be grown during the hot summer months. This means that while gardening activity declines considerably during the summer, it must nonetheless be considered. Measures to address mitigation of heat-related illness resulting from community gardening in the Recommendations section.

Diet and Nutrition

Figure 10: Diet and nutrition pathway



It is anticipated that the consumption of fruits and vegetables will increase among those who participate in a community garden, a strong finding in the research literature. Many studies confirm not only that the volume of fruit and vegetable consumption increases (10, 43, 61, 69, 29, 3, 17, 45), but that community garden participants often start eating nutritious foods they have not previously tried (36, 108, 60). These effects are seen not just in individuals but in households with one or more gardeners.

One study revealed a four-fold increase in vegetable consumption, three-fold in children (14). This same study found that before participating in a community garden only 18% of participants had sufficient vegetable intake, which subsequently rose to 84%. Another report found that gardeners were 3.5 times more likely to consume fruits and vegetables at least 5 times a day than non-gardeners (39). The research literature also emphasizes that increased consumption of fruits and vegetables is more likely to occur if there is supportive programming in place that educates community gardeners about the nutritional value of fresh fruits and vegetables and how to prepare and cook them, particularly for low-income populations (110, 33, 109). We discuss this further in the Recommendations section.

Although not well established, there appears to be a link between increased fruit and vegetable consumption among community gardeners and reduction in type-2 diabetes (109, 63, 9).

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Some studies have established a connection between increased fruit and vegetable consumption among community gardeners and lower body mass index (BMI), which is a measure of obesity (111). This is especially significant for children and youth. One found that 17% of obese or overweight children had improved BMI; another found that a sub-group of community gardeners classified as obese had a 16% greater increase in preference for vegetables compared with non-gardeners (36). In Los Angeles, a study revealed that community garden participation led to lower BMI for Latino youth (26).

Stakeholder and resident input indicated concerns about the possibility of consumption of produce from community gardens leading to higher incidences of food-borne illness as a result of exposure to pathogens either in produce or in the soil. There was no mention of this in the research literature, however, it is nonetheless a legitimate concern that we address in the Recommendations section.

A second potentially negative impact is the possibility of exposure to toxins, contaminants or harmful chemicals that are either already in the soil as a result of previous land uses, or applied as herbicides or pesticides during the gardening process. This problem is raised in the research literature, which discusses exposure of community gardeners to arsenic (85), lead (86) and other contaminants (101, 55). Measures that can be taken to address this are discussed in the Recommendations section.

Social capital

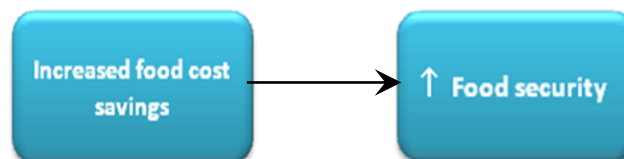
Figure 11: Social capital pathway



It is predicted that higher levels of social interaction will result from gardeners regularly congregating at the community garden, which in turns leads to lower levels of stress (29, 31, 38, 2, 84, 101, 11, 32, 48). Also part of this health pathway is the community garden as a form of cultural expression and a means to solidify family relationships, particularly for ethnic communities (14, 108, 36, 63). In addition, the research strongly supports the value of gardening itself as a stress-relieving activity (82, 29, 39, 98, 14, 102, 101, 109).

Food security

Figure 12: Food security pathway



It is anticipated that there will be significant food cost savings among those who participate in community gardens. Evidence indicates that these cost savings can be substantial. One study found that

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individual gardeners were able to save \$475 per season; over a multi-year period for an entire community garden, the cost savings were estimated at \$915,000 (39). Up to \$2/lb of savings in fresh produce has also been reported (4). Another study revealed that 81% of gardeners reported they used the community garden to stretch food dollars (69).

One report found that food security concerns dropped from 31% before a community garden project to only 3% (14). This positive impact on food security is particularly important for children's health, which has been shown to be strongly affected by food insecurity (19, 80). Furthermore, experts believe that community gardens can contribute not just to individual or household food security, but to community food security as well (23, 29, 30, 105).

Other impacts

Five other variables, while not yet demonstrating an established relationship with health outcomes, are described in the research literature on community gardens and are therefore worthy of mention.

The first is increased citizen engagement and empowerment that results from participating in community gardens. Because community gardens are local gathering places, they therefore lead naturally to community-building and collective problem-solving (39, 44, 29, 8).

The second is municipal cost-savings associated with the development of community gardens. One study estimates these savings at approximately \$4,100 per year per site resulting from the prevention of vandalism, illegal dumping and associated labor-intensive (and costly) upkeep.

The third is neighborhood beautification resulting from sites that are transformed from eyesores to community gardens. This has a positive impact on neighborhood property values, which can in turn increase municipal tax revenue (100, 58, 84, 29). One study reported an increase of \$1/2-million per garden in increased tax revenue over a 20-year period (39).

Fourth, community gardens contribute to neighborhood crime prevention (29, 39, 58) as a result of more people and "eyes" on the street.

Finally, the research literature describes how community gardens have been shown to have therapeutic value for special populations: cancer survivors, the elderly, at-risk youth and homeless women (89, 12, 82, 36, 81).

Public perceptions about community gardens in food-desert neighborhoods

Twenty two interviews were held with parents of children enrolled in preschool or Headstart programs in two neighborhoods in northwest Yuma. The results are not statistically significant, however, they shed light on the potential receptiveness of residents in a food-desert neighborhood to community gardens; and provided some useful qualitative information on concerns and issues. The gift card incentive resulted in very little missing data.

- 1) 55% of respondents had no prior experience with gardening.
- 2) 85% of respondents had a positive response to the idea of a community garden in their neighborhood. 15% had some reservations (specific concerns are described below).

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- 3) 60% of respondents indicated they would be willing to walk more than a mile to a community garden. 40% would be willing to walk less than a mile.
- 4) In response to an open-ended question, 41% of respondents stated they would be willing to commit 1 hour daily to working in a community garden; another 36% indicated they could work every day (varied amounts of time). Other responses included: a few hours per week, 1 hour per week, and weekends only.

Residents offered several reasons why they would like to participate in a community garden:

- 1) Desire to eat healthier foods
- 2) Interest in teaching their children how to garden
- 3) Not enough space for a garden at home
- 4) Desire for organic produce ("none of that toxic stuff")

Residents also expressed the following reservations about participating in a community garden:

- 1) Membership fees
- 2) Gardening in the heat
- 3) Lack of knowledge about gardening
- 4) Insufficient time
- 5) Pests and produce contamination

Those residents with gardening experience have previously grown the following foods: chilis, cilantro, pumpkins, radishes, carrots, oranges, zucchini, herbs and mint.

Due to the relatively low number of interviews, it is important not to over-interpret these results. However, there seems to be a general positive response to the concept of a community garden for residents who were interviewed. Mention of "not enough space" by a community resident probably refers to the dilemma faced by apartment renters who do not have the option of having a backyard garden. Concern about community garden membership fees indicates that for residents of food deserts, these fees need to be affordable.

The apparent willingness of most to walk more than a mile to the community garden is of interest since there are currently no known planning standards for estimating this. Also of interest is the stated willingness of some to work in the garden every day. Finally, the majority of respondents had no prior gardening experience, suggesting a need for training, which is discussed further in the Recommendations. Most of the concerns expressed by residents listed here are also addressed in the next section.

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Recommendations: Moving forward

- 1) That the Department of Development Services, the Health District and Cooperative Extension continue to collaborate in order to facilitate the establishment, support and effectiveness of community gardens in Yuma County, particularly in food deserts.**

This HIA and activities that preceded and accompany it provide an opportunity for continued collaboration that promises to be beneficial for the further development and effectiveness of community gardens in Yuma County. Our research indicates that local leadership-local champion(s) is a key element of success (93).

- 2) That The Department of Development Services, the Health District and Cooperative Extension partner to prepare a Community Garden Toolkit to connect residents interested in establishing community gardens with existing programs offered through Cooperative Extension that train gardeners in: efficient gardening techniques; organizational and leadership effectiveness; and how to avoid heat-related illness, food-borne illness, toxin exposure and strain injuries.**

The research indicates that training can be an important contributor to the success of community gardens (109). A community garden is as productive as the collective gardening skills of its members. It was determined that training mechanisms for supporting community gardens are already in place through programs offered through the Cooperative Extension Department. In addition, the Food Garden Network recently began distributing a newsletter to its members with important community gardening tips. Input from residents suggests that the majority of those in food deserts may not have had previous gardening experience so training may be critical.

A second area where community gardeners could benefit is training in organizational management and leadership skills. Community gardens are essentially neighborhood-based organizations; our research revealed that gardens are as successful and sustainable as the organizations that manage them. Issues that can often be challenging for these organizations include: management of volunteer time, dispute resolution, produce theft and vandalism.

Also, stakeholder input revealed a need for a community garden toolkit or community garden policy guideline to assist in standardizing and establishing community gardens. Stakeholders also communicated the importance of ensuring that the design and features of community gardens be suited to their membership. (An example would be raised beds for seniors who may have less physical flexibility). Organizational support for community gardens is also available through Cooperative Extension. Other state and national organizations such as the American Community Gardening Association provide useful information (see Useful Resources below).

Training can also help mitigate the possible negative impacts of community gardens discussed previously. Cooperative Extension currently runs several programs that can train community garden leaders and members in how to avoid heat-related illness and food-borne illness resulting from improper gardening and food handling practices; proper use of pesticides and other chemicals (it is important to note that organic gardening also requires the use of some types of chemicals); safe composting; vector control; minimizing contamination of food by domestic and other animals; and

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reducing strain injuries that result from poor body mechanics while engaging in gardening activities. The Department of Development Services can play a proactive role in connecting prospective gardeners to the following Cooperative Extension resources:

- a) Master gardening class: a 14-week course that trains individuals interested in become gardening experts.
- b) Hands-on gardening training sessions and presentations can be arranged on special request.
- c) Longer-term training of community garden leaders and members can also be arranged on special request.

3) That soil testing be required in cases where community gardens are proposed for sites that are potentially contaminated.

The City of Yuma has already implemented a similar provision. Stakeholder input revealed that when there are doubts about soil quality, raised soil beds can often resolve this issue. We recommend that precautionary soil testing be conducted as a best practice. The Arizona Department of Health Services, Office of Environmental Health School Garden Program conducts soil testing for school gardens and community food gardens that will undergo the ADHS Garden Certification Process.

Office of Environmental Health

School Garden Program
150 N 18th Avenue, Suite 140
Phoenix, AZ 85007
(602) 361-3952
(602) 364-3146 Fax

4) That the Health District continue to maintain its existing nutrition programming in food desert neighborhoods.

The research revealed that fruit and vegetable consumption increases where programs are offered in nutrition and food preparation that educate people on how to incorporate fresh produce into their daily diet (109, 33). Such programs are currently offered in Yuma County through the Nutrition Network at public housing complexes and for parents of children enrolled in the Head start program, as well as at selected primary and middle schools.

One of the Nutrition Network educators is also a Master Gardener. We identified those living in food deserts as the primary vulnerable population; therefore we recommend that, where possible, these important supportive programs continue to focus on food desert neighborhoods in Yuma County. Programming currently includes gardening workshops, nutrition classes and cooking demonstrations.

5) That where possible, the Department of Development Services encourage the use of vacant land, especially public county-owned land, for community gardens.

While community gardens can be established on either public or private land under various legal arrangements (18), publicly owned land represents a somewhat more stable option, since private land is more likely to change hands or uses, forcing community gardens to relocate. Lack of secure tenure is a persistent dilemma that can affect the willingness of community organizations to invest and commit to their community garden projects (28, 72). The ultimate form of site security is for the land to be owned

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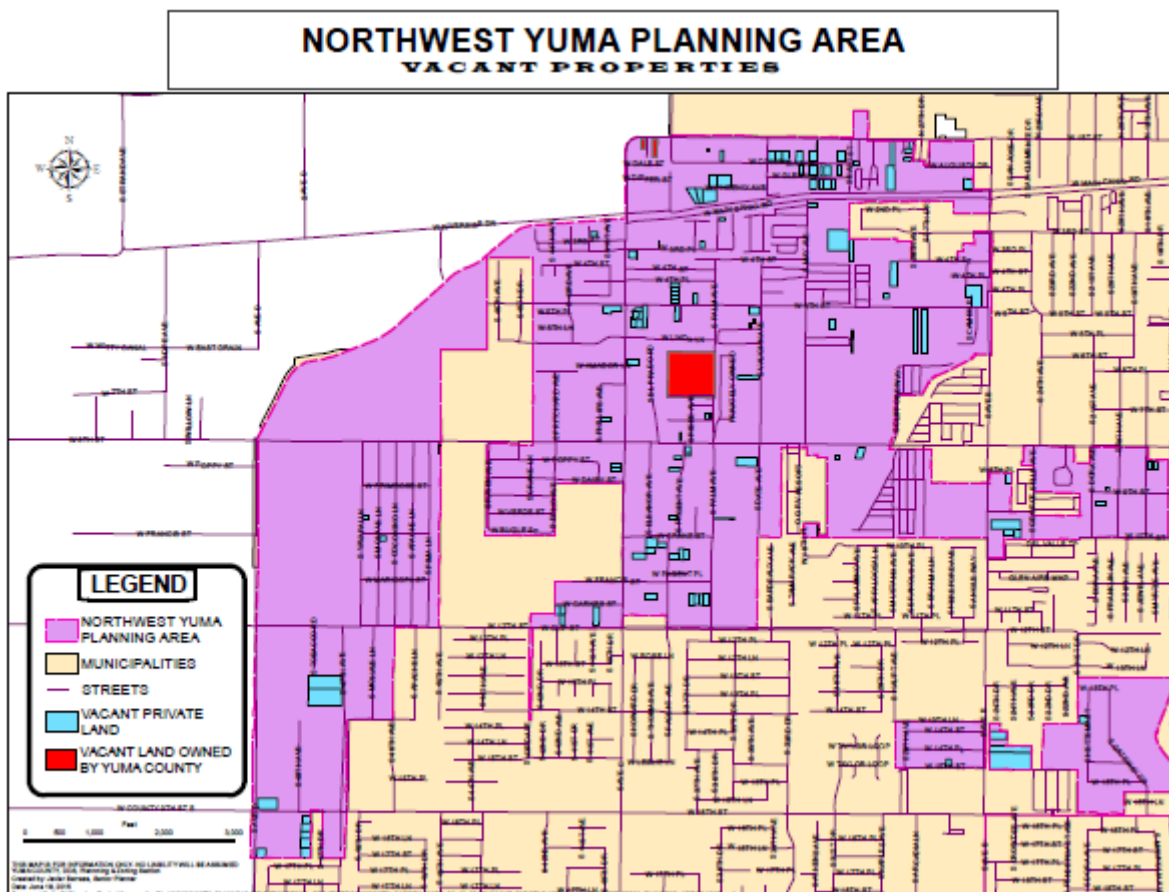
Health Impact Assessment: Community Garden Ordinance

by the community organization itself, supportive nonprofit organization or land trust, however, this possibility seems remote for Yuma County. Given limited resources, what seems appropriate is for Department of The Department of Development Services to geographically target any policy efforts toward food desert neighborhoods (105, 57, 78).

One solution employed by local governments addressing the problem of insecure tenure is to allocate a portion of parks and recreation land for community gardens. Some cities (such as Boston, Portland, Seattle) have managed to designate a separate zoning category for community gardens in order to promote them as a legitimate land use and open space category (37, 47). Others have converted underutilized land near transportation routes, utility easements or along existing trails that can help encourage greater use of these corridors (49).

Figures 13 and 14 illustrate the location of vacant parcels in northwest Yuma and the Foothills, areas where community gardens are most likely to be established in Yuma County. These maps show that most vacant land is privately owned.

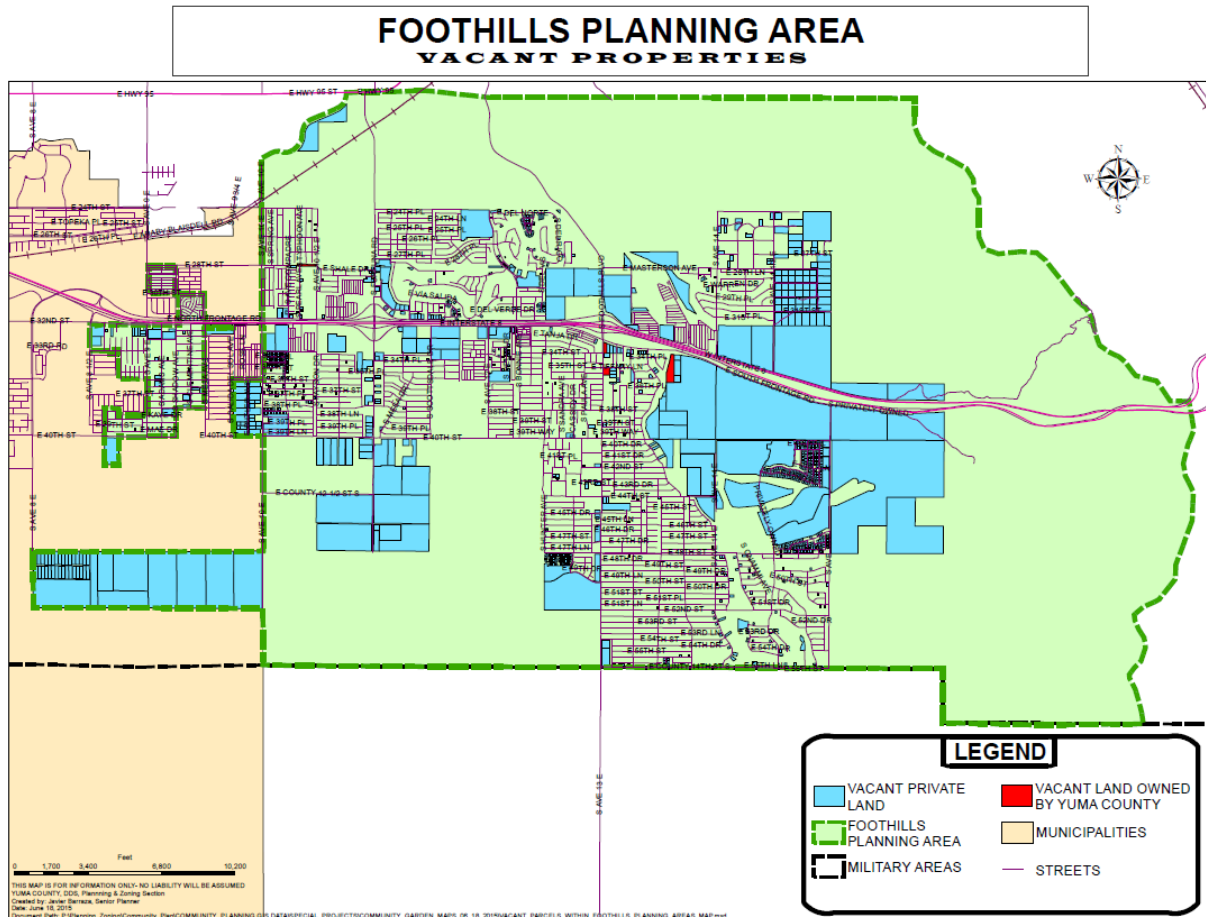
Figure 13: Vacant land in Northwest Yuma



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Figure 14: Vacant land in the Foothills



- 6) That the Department of Development Services encourage housing developers to consider including space for community gardens in their plans.

Due to established interest and demand for community gardens in the Yuma area, we recommend that Development Services consider encouraging housing developers, particularly those who build or rehabilitate apartment complexes, to allow sufficient space as well as a possible specific site for a community garden.

- 7) That when provided opportunities, the Department of Development Services promote other components of an overall strategy to increase access to healthy food.

Community gardens are one part of a broader strategy that can increase access to healthy food in the community. When implemented together with community gardens, these other elements have a synergistic effect, multiplying the overall health benefits:

- 1) School gardens, an initiative described earlier that is already in place in Yuma County.

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- 2) Retail stores that offer affordable fresh produce located in or accessible to food desert neighborhoods. Approval of a Walmart Neighborhood Market in March, 2015 on the City of Yuma's north side is an example.
- 3) Farmers markets selling locally-grown fresh produce located in or accessible to food desert neighborhoods. The Farmers Market on Wheels, part of A Healthy Somerton initiative, is an example.
- 4) Community-supported agriculture (CSA); which is larger-scale cultivation of fresh produce in urban areas. Vegetables and fruits produced by CSA can be sold in local farmers markets. Yuma Garden Company located in the northwest Yuma portion of Yuma County is an example.

Useful Resources

The following are a few readily available information resources that support the development of community gardens:

1. How local governments can support community gardens:
<http://nccommunitygarden.ncsu.edu/RoleLocalGov.pdf>
2. Legal options for community gardens:
http://changelabsolutions.org/sites/default/files/CommunityGardenToolkit_Final_%28CLS_20120530%29_20110207.pdf
3. Funding of community gardens: <https://communitygarden.org/resources/funding-opportunities/>
4. Mapping tool that can be used to identify food desert neighborhoods:
<http://apps.ams.usda.gov/fooddeserts/faqlocatortool2-pgr.pdf>

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Reporting

Once the HIA is finalized, the report will be presented to all stakeholders involved in the HIA process and shared with the Healthy Communities Food Garden Network, and Department of Development Services Citizens Advisory Group. A portion of the findings will also be included in the staff report to the Department of Development Services planning & zoning board.

Portions of the HIA will also be made available to the public via Community Garden Toolkit and Yuma County Website.

Monitoring & Evaluation

Funding for the HIA does not extend past June, 2015, as a result there is no support for monitoring or evaluation beyond the completion of the HIA. Nonetheless, it is possible for the Health Promotions Division of the Health District to informally monitor key upcoming decision points of the Community Garden Ordinance, such as submission of the Department of Development Services staff report accompanying the Community Garden Ordinance text amendment to the County Board of Supervisors, anticipated to occur in late 2015, through the assistance of the HAPI program. It is hoped that this report will include mention of health determinants and outcomes and also refer to recommendations of this HIA. Reference to or citation of the HIA by other local jurisdictions such as the city of Yuma, Somerton, San Luis and the Cocopah Indian Tribe could also be monitored. Other important opportunities for monitoring could occur from 1 to 5 years following the adoption of the ordinance. The Health District, Department of Development Services and Cooperative Extension could take stock at regular intervals of the establishment and development of community gardens in Yuma County and determine if there are gaps in the ordinance as well as the Health District and Cooperative Extension programming that supports it.

RECOMMENDATION	AGENCY RESPONSIBLE	TIMELINE
Monitor inclusion of health language in submission of staff report to accompany recommendation of text amendment.	Yuma County Public Health Services District, Health in Arizona Policy Initiative Program	Immediate as each segment is completed
Monitor the establishment of Community Gardens	Yuma County Public Health Services District, Health in Arizona Policy Initiative Program	Annual review

An outcome evaluation would assess whether the projections for health outcomes made in this HIA were accurate, however, funding to support this research is currently unavailable, particularly for longer-term outcomes. If such an outcome evaluation were to be carried out, a quasi-experiment with pre- and post-test would be an appropriate study design. This would involve the measurement of

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changes in variables associated with the four main pathways (physical activity, diet and nutrition, social capital and food security) among community garden participants before and after the establishment of selected community gardens, comparing these with measures of non-gardeners from the same or similar neighborhoods in order to determine if the community gardens affected health outcomes in the manner that was predicted by the HIA.

The Consultant is currently conducting a simple process evaluation, which assesses whether the HIA was implemented in the manner that was anticipated or intended. It consists of two data points, both involving unstructured interviews. The first, which was already carried out in April 2015, involved interviews of HIA Core Team members; the second will involve interviews of Core Team members and stakeholders following completion of the HIA. Topic areas to be covered include: areas of learning about how to conduct an HIA, strengths and weaknesses of the overall process, resources available for conducting the HIA, data availability, timeframe for conducting the HIA, adequacy of training, and effectiveness of community involvement and stakeholder engagement. Process evaluation results will be reported separately by the Consultant to the Health District, Department of Development Services, other stakeholders and the Arizona Department of Health Services. Results will include a list of lessons learned and recommendations for improvement of future HIAs.

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Yuma County
Planning and Zoning
Commission

January 25, 2016

Item No. 6

AIR-6756

6.

P&Z Commission Agenda

Meeting Date: 01/25/2016

Submitted For: Maggie Castro

Submitted By: Maggie Castro

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Presentation and discussion on possible text amendment to Article VIII-Signs of the Zoning Ordinance in light of *Reed vs. Town of Gilbert*.

2. INTENT:

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Attachments

P&Z Memo

Case brief



MEMORANDUM

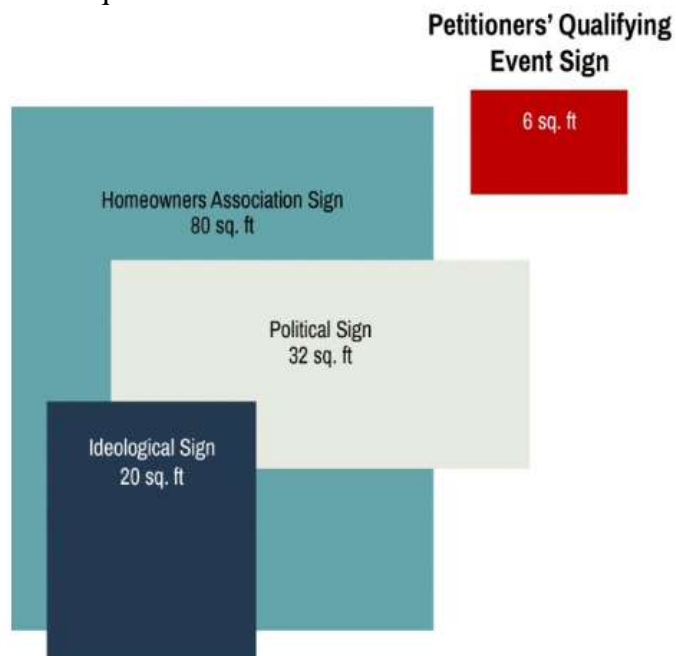
TO: Yuma County Planning & Zoning Commission

FROM: Maggie Castro, Planning Director *mc*

RE: Possible text amendment to the Yuma County Zoning Ordinance, Article VIII—Signs, in light of *Reed vs. Town of Gilbert*

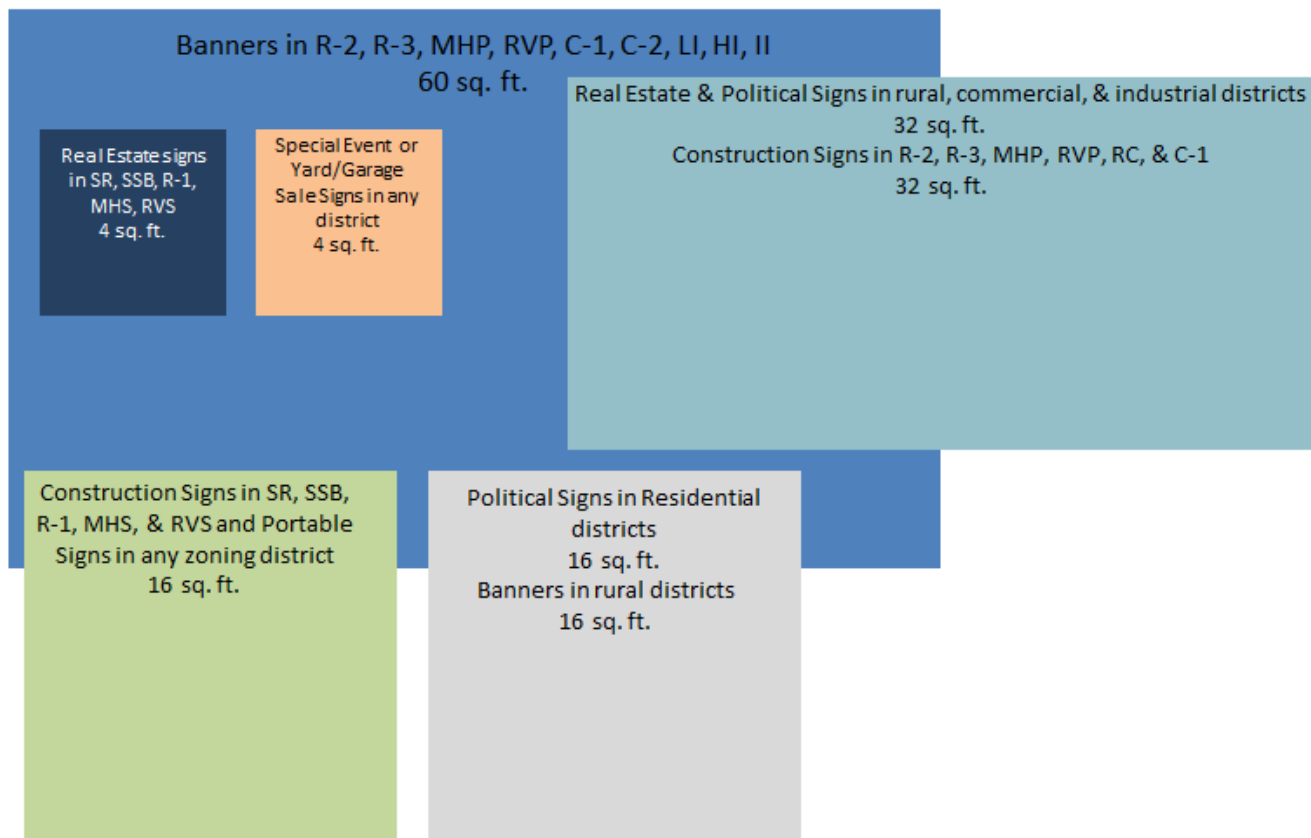
DATE: January 12, 2016

Synopsis of *Reed vs. Town of Gilbert*: Pastor Reed of Good News Community Church filed a lawsuit challenging the Town of Gilbert's zoning sign ordinance. The Town of Gilbert imposed strict regulations on the church's signs, demanding they be no larger than six square feet and stand for no more than 14 hours. Political, ideological, and other noncommercial signs can be up to 32 square feet in size and can stand for many months, sometimes indefinitely. Because the Town's ordinance regulates signs based on their content, resulting in disfavored treatment of the church's signs, the ordinance is unconstitutional. The following is an example of the Town of Gilbert's Sign Code requirements:



Upon review of the Yuma County Zoning Ordinance, staff has determined that Article VIII—Signs should be amended due to conflicts with the Supreme Court’s ruling in *Reed vs. Town of Gilbert*.

Yuma County Zoning Ordinance Requirements for Temporary Signs



Staff is proposing changes to Sections 800.09—Definitions, 810.00—Real Estate Signs, 810.02—Political Signs, 810.03—Banners, 810.04—Special Event or Yard/Garage Sale Signs, 810.05—Construction Signs, 810.06—Portable Signs, 810.07—Festoons, 810.08—Balloons, 810.09—Flags and Symbols, 810.10—Enforcement, Section 810.11—Project Information Signs and Plate VIII-3: Temporary Signs—No Permits Required.

STAFF'S PROPOSED CHANGES TO THE ZONING ORDINANCE

ARTICLE VIII--Signs

Section 800.00--General Sign Regulations

800.09--Definitions:

~~Sign, Political: A temporary sign used in connection with a local, state or national election or referendum.~~

~~Sign, Portable: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.~~

Sign, Temporary: A sign displayed for a period of not more than ~~thirty~~**ninety (390)** days, **or when the need ceases to exist, whichever occurs first**, and which sign is: 1) not constructed according to the requirements of the Yuma County Comprehensive Building Code; and, 2) shall not be considered a temporary sign unless otherwise exempted from permit requirements by the provisions of this Section. Realtor signs, promotional signs or like signage not constructed or intended for permanent use are considered temporary signs.

Section 810.00--Temporary Signs

810.01--~~Real Estate~~**Temporary Signs and Banners**

A. Temporary signs and banners:

1. RA, SA/RL, OS/RR -- One (1) ~~real estate~~ sign per frontage is permitted with a maximum area of thirty-two **(32)** square feet-~~(32')~~ and maximum height of eight feet (8'). Such signs shall be no closer than fifteen feet (15') to front property lines and five (5) feet from side or rear property lines. ~~No time limits apply.~~
2. SR, SSB, R-1, MHS, RVS -- One (1) ~~real estate~~ sign per frontage is permitted with a maximum area of four **(4)** square feet-~~(4')~~ and a maximum height of four feet (4') with no minimum setbacks ~~or time limits.~~
3. R-2 & R-3, MHP, RVP -- One (1) ~~real estate~~ sign ~~advertising the sale, lease or rental of the property only~~ is permitted with a maximum area of four **(4)** square feet ~~(4')~~ per dwelling unit but not to exceed thirty-two **(32)** square feet-~~(32')~~. No such sign shall exceed eight feet (8') in height or be closer than ten feet (10') to any front property line. ~~No time limits apply.~~
4. RC, C-1, C-2, LI, HI and II -- One (1) ~~real estate~~ sign ~~advertising the sale, lease or rental of the property~~ is permitted with a maximum area of thirty-two **(32)** square feet-~~(32')~~. No such sign shall exceed eight feet (8') in height or be closer than ten feet (10') to any front property line. ~~No time limits apply.~~

~~810.02--Political Signs~~

~~The maximum area permitted per sign is sixteen square feet (16') in residential districts or thirty two square feet (32') in rural, commercial, or industrial districts. A sign shall not exceed eight feet (8') in height. No setbacks are required. Political signs shall not be erected or placed in such a manner that would have an adverse affect on public health, safety and welfare.~~

~~810.03 Banners~~

~~Rural, SA/RL, OS/RR — One (1) temporary banner per lot is permitted with a maximum area of sixteen square feet (16') for a period of up to thirty (30) days. Such signs shall not exceed the height of the building or sign to which they are attached.~~

~~R-2, R-3, MHP — One (1) temporary banner per parcel is permitted with a maximum area of sixty square feet (60') for a maximum of thirty (30) days. Such signs shall not exceed the height of the building or sign to which they are attached.~~

~~RVP, C-1, C-2, LI, HI, II — One (1) temporary banner per parcel is permitted with a maximum area of sixty square feet (60') for a maximum of thirty (30) days. Such signs shall not exceed the height of the building or sign to which they are attached.~~

~~810.04 Special Event or Yard/Garage Sale Signs~~

B. Short term ~~Signs for special events and yard/garage sales~~ are permitted in any district, but shall not exceed four square feet (4'), be posted for over seven (7) consecutive days, nor be re-posted on the same property within ninety (90) days of the last posting.

C. Balloons, including festoons, are permitted in all commercial, industrial or rural districts for a period not exceeding one hundred twenty (120) days in any given calendar year. They may be any size, but shall not be erected or suspended over one hundred feet (100') above average grade level. A festoon consists of a decorative chain or strip hanging between two (2) points. Such signs may include incandescent light bulbs, banners, balloons, pennants or other such features as are hung or strung overhead and which are not an integral physical part of the building or structure they are intended to serve.

D. Flags, logos or other appurtenant symbols may be placed or erected to a height not exceeding thirty-five feet (35') above average grade level. No time limits or setbacks apply.

810.052—During Construction, the following Construction Signs are permitted:

In addition to a project information sign required under Section 810.11 the following signs shall be permitted as indicated;

Rural, SA/RL, OS/RR -- One (1) construction sign per frontage is permitted with a maximum area of thirty-two square feet (32') and maximum height of eight feet (8'). Such signs shall be no closer than fifteen feet (15') to front property lines and five feet (5') from side or rear property lines.

SR, SSB, R-1, MHS, RVS -- One (1) construction sign per frontage is permitted with a maximum area of sixteen square feet (16') and a maximum height of six feet (6'). **Such signs shall be no closer than ten feet (10') to front property lines.**

R-2, R-3, MHP, RVP, RC, C-1 -- One (1) construction sign per frontage is permitted with a maximum area of thirty-two square feet (32') and maximum height of eight feet (8'). Such signs shall be no closer than ten feet (10') to front property lines.

C-2, LI, HI and II -- Two (2) construction signs per street frontage are permitted with a maximum area of thirty-two square feet (32') per sign and maximum height of eight feet (8'). Such signs shall be no closer than ten feet (10') to front property lines.

~~810.06~~ Portable Signs

~~One (1) portable sign per parcel shall be permitted for a period not exceeding thirty (30) consecutive days. Maximum area permitted is sixteen square feet (16') with a maximum height of six feet (6') and minimum setback of five feet (5') from front property lines. All such signs shall be located at least twenty (20) feet from entries and at least twenty feet (20') from the intersection site triangle (see Section 1101.00).~~

~~810.07~~ Festoons

~~810.08~~ Balloons

~~810.09~~ Flags and Symbols

~~810.10~~**03**--Enforcement

All temporary signs, so defined and delineated in this code, may be placed without permits. However, any such sign found to be not in compliance with the design standards or time constraints contained in this section shall be ~~required to be removed immediately upon written notice of violation from Department of Development Services personnel authorized to enforce said regulations~~ **the County Zoning Inspector**.

~~810.11~~**04**--Project Information Signs

- A. Any person that requires a building permit or grading permit of one (1) acre or greater shall install and maintain a project information sign in accordance with the requirements below.
- B. The sign shall be installed prior to beginning actual construction activities and initiating any type of earth-moving operations.
- C. The sign shall be installed at a prominent location near the main entrance of the construction site. Traffic visibility shall be maintained by placing the sign back from the main ingress/egress location and at any applicable intersection for proper sight-triangle clearances.
- D. The sign may be removed once,
 - 1. The final for the building permit is approved by the Chief Building Official, or,
 - 2. Final stabilization has been achieved on all portions or the site of which person is responsible and is approved by the County Environmental Programs Section.
- E. The following information shall be displayed on the project information sign:

Project Size	1.01-9.99 Acres	Over 10 Acres
Sign Size	36" H x 48" W	48" H x 96" W
Developer Name	3"	4"

Project Name	3"	4"
Company Phone Number ###-###	3"	4"
IF YOU HAVE DUST COMPLAINTS	2.25"	3"
Please call Yuma County Dust Control Hotline, 928-217-DUST (3878)		

F. The project information sign text height shall be at a minimum as shown on the template above, and must contrast with lettering, typically black text with white background.

G. The lower edge of the sign board must be a minimum of three (3) feet and a maximum of five (5) feet above grade.

Plate VIII--3: Temporary Signs - No Permits Required.

Type of Sign	Time Limit	Area	Height	Setback
Real Estate Single Family Residential	Not Applicable (not consistent with §810.01)	4 square feet/ dwelling unit	4 feet	5 feet minimum
Real Estate (Commercial/ Industrial) (Rural) (Manufactured Resident)	Not Applicable Not Applicable Not Applicable	32 square feet 32 square feet 32 square feet	8 feet 8 feet 8 feet/ 10 feet	10 feet 15 feet/ 5 feet minimum
Political (Residential)	Not Applicable	16 square feet	8 feet	Not Applicable
Political (Commercial)	Not Applicable	32 square feet	8 feet	Not Applicable
Banner (Manufactured Residential/ Commercial Only)	30 days	60 square feet	Structure	Not Applicable
Special Event or Yard/Garage Sale	7 days	4 square feet	Not Applicable	Not Applicable
Construction (two such signs permitted in C-2, LI, HI or II)	Building permit to final inspection	32 square feet	8 feet	10 feet minimum
Portable	30 days	16 square feet	6 feet	5 feet minimum
Festoons	Not Applicable	60 square feet	35 feet	10 feet minimum
Balloons	120 days in one calendar year	Not Applicable	100 feet	10 feet minimum

Flags & Symbols	Not Applicable	60 square feet	District	5 feet minimum
Project Information Signs	Building permit to final inspection	See section 810.11 (E)	See section 810.11 (E)	Not Applicable

Sign Type	Zoning District	Time Limit	Maximum Area	Maximum Height	Minimum Setback
Temporary Signs	RA, SA/RL, OS/RR	30 days	32 square feet	8 feet	15 feet (front) 5 feet (side & rear)
	SR, SSB, R-1, MHS, RVS	30 days	4 square feet	4 feet	None
	R-2, R-3, MHP, RVP	30 days	4 square feet/du 32 square feet	8 feet	10 feet (front)
	RC, C-1, C-2, LI, HI, II	30 days	32 square feet	8 feet	10 feet (front)
Short Term Signs	All	7 days No reposting w/in 90 days of last posting	4 square feet	None	None
Balloons & Festoons	Commercial, Industrial, Rural	120 days in one calendar year	None	100 feet	None
Flags, Logos & Symbols	All	None	None	35 feet	None
Construction	One such sign in RA, SA/RL, OS/RR	Building permit to final inspection	32 square feet	8 feet	15 feet (front) 5 feet (side & rear)
	One such sign in SR, SSB, R-1, MHP, RVS	Building permit to final inspection	16 square feet	6 feet	10 feet (front)
	One such sign in R-2, R-3, MHP, RVP, RC, C-1	Building permit to final inspection	32 square feet	8 feet	10 feet (front)
	Two such signs in C-2, LI, HI or II	Building permit to final inspection	32 square feet	8 feet	10 feet (front)

Project Information Signs	All	Building permit to final inspection	See section 810.04 (E)	See section 810.04 (E)	None
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Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code’s provisions are content-based regulations of

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speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___–___. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at ___. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “‘justified without reference to the content of the regulated speech,’” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

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is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—e.g., warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

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707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).¹ The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is “Temporary Directional Signs Relating to a Qualifying Event,” loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

¹The Town’s Sign Code is available online at <http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code> (as visited June 16, 2015, and available in Clerk of Court’s case file).

Opinion of the Court

I
A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is “Ideological Sign[s].” This category includes any “sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency.” Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all “zoning districts” without time limits. §4.402(J).

The second category is “Political Sign[s].” This includes any “temporary sign designed to influence the outcome of an election called by a public body.” Glossary 23.² The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and “rights-of-way.” §4.402(I).³ These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

²A “Temporary Sign” is a “sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.” Glossary 25.

³The Code defines “Right-of-Way” as a “strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities.” *Id.*, at 18.

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The third category is “Temporary Directional Signs Relating to a Qualifying Event.” This includes any “Temporary Sign intended to direct pedestrians, motorists, and other passersby to a ‘qualifying event.’” Glossary 25 (emphasis deleted). A “qualifying event” is defined as any “assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization.” *Ibid.* The Code treats temporary directional signs even less favorably than political signs.⁴ Temporary directional signs may be no larger than six square feet. §4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the “qualifying event” and no more than 1 hour afterward. *Ibid.*

B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different loca-

⁴The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as “Religious Assembly Temporary Direction Signs.” App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.*, at 75–76. In 2008, the Town redefined the category as “Temporary Directional Signs Related to a Qualifying Event,” and it expanded the time limit to 12 hours before and 1 hour after the “qualifying event.” *Ibid.* In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.*, at 89.

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tions, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F.3d 966, 979 (2009). It reasoned that, even though an enforcement

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officer would have to read the sign to determine what provisions of the Sign Code applied to it, the “kind of cursory examination” that would be necessary for an officer to classify it as a temporary directional sign was “not akin to an officer synthesizing the expressive content of the sign.” *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code’s distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code’s sign categories were content neutral. The court concluded that “the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert’s creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign.” 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court’s decision in *Hill v. Colorado*, 530 U. S. 703 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071–1072. As the court explained, “Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed” and its “interests in regulat[ing] temporary signs are unrelated to the content of the sign.” *Ibid.* Accordingly, the court believed that the Code was “content-neutral as that term [has been] defined by the Supreme Court.” *Id.*, at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, 573 U. S. ____ (2014), and now reverse.

Opinion of the Court

II

A

The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws “abridging the freedom of speech.” U. S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, “has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 95 (1972). Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R. A. V. v. St. Paul*, 505 U. S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 115, 118 (1991).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___–___ (2011) (slip op., at 8–9); *Carey v. Brown*, 447 U. S. 455, 462 (1980); *Mosley*, *supra*, at 95. This commonsense meaning of the phrase “content based” requires a court to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Sorrell*, *supra*, at ___ (slip op., at 8). Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be “justified without reference to

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the content of the regulated speech,” or that were adopted by the government “because of disagreement with the message [the speech] conveys,” *Ward v. Rock Against Racism*, 491 U. S. 781, 791 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

B

The Town’s Sign Code is content based on its face. It defines “Temporary Directional Signs” on the basis of whether a sign conveys the message of directing the public to church or some other “qualifying event.” Glossary 25. It defines “Political Signs” on the basis of whether a sign’s message is “designed to influence the outcome of an election.” *Id.*, at 24. And it defines “Ideological Signs” on the basis of whether a sign “communicat[es] a message or ideas” that do not fit within the Code’s other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke’s *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke’s followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke’s theory of government. More to the point, the Church’s signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

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C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

1

The Court of Appeals first determined that the Sign Code was content neutral because the Town “did not adopt its regulation of speech [based on] disagree[ment] with the message conveyed,” and its justifications for regulating temporary directional signs were “unrelated to the content of the sign.” 707 F. 3d, at 1071–1072. In its brief to this Court, the United States similarly contends that a sign regulation is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be “justified without reference to the content of the regulated speech.” Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward, supra*, at 791; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429 (1993). We have thus made clear that “[i]llicit legislative intent is not the *sine qua non* of a violation of the First Amendment,” and a party opposing the government “need adduce ‘no evidence of an improper censorial motive.’” *Simon & Schuster, supra*, at 117. Although “a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 642 (1994). In other words, an

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innocuous justification cannot transform a facially content-based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law’s justification or purpose. See, e.g., *Sorrell, supra*, at ____–____ (slip op., at 8–9) (statute was content based “on its face,” and there was also evidence of an impermissible legislative motive); *United States v. Eichman*, 496 U. S. 310, 315 (1990) (“Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government’s asserted *interest* is related to the suppression of free expression” (internal quotation marks omitted)); *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 804 (1984) (“The text of the ordinance is neutral,” and “there is not even a hint of bias or censorship in the City’s enactment or enforcement of this ordinance”); *Clark v. Community for Creative Non-Violence*, 468 U. S. 288, 293 (1984) (requiring that a facially content-neutral ban on camping must be “justified without reference to the content of the regulated speech”); *United States v. O’Brien*, 391 U. S. 367, 375, 377 (1968) (noting that the statute “on its face deals with conduct having no connection with speech,” but examining whether the “the governmental interest is unrelated to the suppression of free expression”). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government’s purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-*neutral* ban on the use, in a

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city-owned music venue, of sound amplification systems not provided by the city. 491 U. S., at 787, and n. 2. In that context, we looked to governmental motive, including whether the government had regulated speech “because of disagreement” with its message, and whether the regulation was “justified without reference to the content of the speech.” *Id.*, at 791. But *Ward’s* framework “applies only if a statute is content neutral.” *Hill*, 530 U. S., at 766 (KENNEDY, J., dissenting). Its rules thus operate “to protect speech,” not “to restrict it.” *Id.*, at 765.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—*i.e.*, the “abridg[ement] of speech”—rather than merely the motives of those who enacted them. U. S. Const., Amdt. 1. “The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.” *Hill, supra*, at 743 (SCALIA, J., dissenting).

For instance, in *NAACP v. Button*, 371 U. S. 415 (1963), the Court encountered a State’s attempt to use a statute prohibiting “improper solicitation” by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.*, at 438. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State’s claim that its interest in the “regulation of professional conduct” rendered the statute consistent with the First Amendment, observing that “it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression.” *Id.*, at 438–439. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church’s

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substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly “rejected the argument that ‘discriminatory . . . treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.’” *Discovery Network*, 507 U. S., at 429. We do so again today.

2

The Court of Appeals next reasoned that the Sign Code was content neutral because it “does not mention any idea or viewpoint, let alone single one out for differential treatment.” 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, “[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted.” 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that “content based” is a term of art that “should be applied flexibly” with the goal of protecting “viewpoints and ideas from government censorship or favoritism.” Brief for Respondents 22. In the Town’s view, a sign regulation that “does not censor or favor particular viewpoints or ideas” cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is “endorsing or suppressing ‘ideas or viewpoints,’” *id.*, at 27, and the provisions for political signs and ideological signs “are neutral as to particular ideas or viewpoints” within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on “the specific motivating ideology or the opinion or perspective of the speaker”—is a “more blatant” and “egregious form of

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content discrimination.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). But it is well established that “[t]he First Amendment’s hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network, supra*, at 428. The Town’s Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

3

Finally, the Court of Appeals characterized the Sign Code’s distinctions as turning on “the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.” 707 F. 3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code’s distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up

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signs advertising the Church’s meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code’s distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because “[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content,” *Citizens United v. Federal Election Comm’n*, 558 U. S. 310, 340 (2010), we have insisted that “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference,” *Turner*, 512 U. S., at 658. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United*, *supra*, at 340–341. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code’s distinctions hinge on “whether and when an event is occurring.” The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is “designed to influence the outcome of an election” (and thus “political”) or merely “communicating a message or ideas for noncommercial purposes” (and thus “ideological”). Glossary 24. That obvious content-based

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inquiry does not evade strict scrutiny review simply because an event (*i.e.*, an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra*, at 6. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem “entirely reasonable” will sometimes be “struck down because of their content-based nature.” *City of Ladue v. Gilleo*, 512 U. S. 43, 60 (1994) (O’Connor, J., concurring).

III

Because the Town’s Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, “‘which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest,’” *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___ (2011) (slip op., at 8) (quoting *Citizens United*, 558 U. S., at 340). Thus, it is the Town’s burden to demonstrate that the Code’s differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tai-

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lored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town’s aesthetic appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code’s distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are “no greater an eyesore,” *Discovery Network*, 507 U. S., at 425, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a “law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited,” *Republican Party of Minn. v. White*, 536 U. S. 765, 780 (2002), the Sign Code fails strict scrutiny.

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IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an “absolutist” content-neutrality rule would render “virtually all distinctions in sign laws . . . subject to strict scrutiny,” Brief for Respondents 34–35, but that is not the case. Not “all distinctions” are subject to strict scrutiny, only *content-based* ones are. Laws that are *content neutral* are instead subject to lesser scrutiny. See *Clark*, 468 U. S., at 295.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign’s message: size, building materials, lighting, moving parts, and portability. See, e.g., §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U. S., at 817 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, e.g., *Solantic, LLC v. Neptune Beach*, 410 F.3d 1250, 1264–1269 (CA11 2005) (sign categories similar to the town of Gilbert’s were content based and subject to strict scrutiny); *Matthews v. Needham*, 764 F.2d 58, 59–60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs “take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.” *City of Ladue*, 512 U. S., at 48. At the same time, the presence of certain

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signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

* * *

We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

It is so ordered.

ALITO, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE ALITO, with whom JUSTICE KENNEDY and
JUSTICE SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of
further explanation.

As the Court holds, what we have termed “content-
based” laws must satisfy strict scrutiny. Content-based
laws merit this protection because they present, albeit
sometimes in a subtler form, the same dangers as laws
that regulate speech based on viewpoint. Limiting speech
based on its “topic” or “subject” favors those who do not
want to disturb the status quo. Such regulations may
interfere with democratic self-government and the search
for truth. See *Consolidated Edison Co. of N. Y. v. Public
Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

As the Court shows, the regulations at issue in this case
are replete with content-based distinctions, and as a result
they must satisfy strict scrutiny. This does not mean,
however, that municipalities are powerless to enact and
enforce reasonable sign regulations. I will not attempt to
provide anything like a comprehensive list, but here are
some rules that would not be content based:

Rules regulating the size of signs. These rules may
distinguish among signs based on any content-neutral
criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be

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placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.*

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today’s decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

*Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions “must be narrowly tailored to serve the government’s legitimate, content-neutral interests.” *Ward v. Rock Against Racism*, 491 U. S. 781, 798 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.

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SUPREME COURT OF THE UNITED STATES

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[June 18, 2015]

JUSTICE BREYER, concurring in the judgment.

I join JUSTICE KAGAN’s separate opinion. Like JUSTICE KAGAN I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment’s expressive objectives and to the public’s legitimate need for regulation than a simple recitation of categories, such as “content discrimination” and “strict scrutiny,” would permit. In my view, the category “content discrimination” is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic “strict scrutiny” trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g.*, *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828–829 (1995); see also *Boos v. Barry*, 485 U. S. 312, 318–319 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all

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speakers. *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972) (“Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say”). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not *always* trigger strict scrutiny. To say that it is not an automatic “strict scrutiny” trigger is not to argue against that concept’s use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government’s rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual’s ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management

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of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, *e.g.*, 15 U. S. C. §78l (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, *e.g.*, 42 U. S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, *e.g.*, 21 U. S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol “Rx only”); of doctor-patient confidentiality, *e.g.*, 38 U. S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient’s spouse or sexual partner); of income tax statements, *e.g.*, 26 U. S. C. §6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds \$10,000); of commercial airplane briefings, *e.g.*, 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, *e.g.*, N. Y. Gen. Bus. Law Ann. §399–ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit “‘strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area’”); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court’s many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to “commercial speech.” *Central Hudson Gas & Elec. Corp. v. Public Service Comm’n of N. Y.*, 447 U. S. 557, 562–563 (1980). But I have great concern that many justifiable instances of “content-based” regulation are noncommercial. And, worse than that, the Court has applied the heightened

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“strict scrutiny” standard even in cases where the less stringent “commercial speech” standard was appropriate. See *Sorrell v. IMS Health Inc.*, 564 U. S. ___, ___ (2011) (BREYER, J., dissenting) (slip op., at ___). The Court has also said that “government speech” escapes First Amendment strictures. See *Rust v. Sullivan*, 500 U. S. 173, 193–194 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, “[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists.” *R. A. V. v. St. Paul*, 505 U. S. 377, 388 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that “strict scrutiny” normally carries with it. But, in my view, doing so will weaken the First Amendment’s protection in instances where “strict scrutiny” should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives,

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and whether there are other, less restrictive ways of doing so. See, e.g., *United States v. Alvarez*, 567 U. S. ___, ___–___ (2012) (BREYER, J., concurring in judgment) (slip op., at 1–3); *Nixon v. Shrink Missouri Government PAC*, 528 U. S. 377, 400–403 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant “strict scrutiny.” Nonetheless, for the reasons that JUSTICE KAGAN sets forth, I believe that the Town of Gilbert’s regulatory rules violate the First Amendment. I consequently concur in the Court’s judgment only.

KAGAN, J., concurring in judgment

SUPREME COURT OF THE UNITED STATES

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[June 18, 2015]

JUSTICE KAGAN, with whom JUSTICE GINSBURG and
JUSTICE BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, *e.g.*, City of Truth or Consequences, N. M., Code of Ordinances, ch. 16, Art. XIII, §§11–13–2.3, 11–13–2.9(H)(4) (2014). In other municipalities, safety signs such as “Blind Pedestrian Crossing” and “Hidden Driveway” can be posted without a permit, even as other permanent signs require one. See, *e.g.*, Code of Athens-Clarke County, Ga., Pt. III, §7–4–7(1) (1993). Elsewhere, historic site markers—for example, “George Washington Slept Here”—are also exempt from general regulations. See, *e.g.*, Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to “scenic and historical attractions” or advertise free coffee. See 23 U. S. C. §§131(b), (c)(1), (c)(5).

Given the Court’s analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at 14 (acknowledging

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that “entirely reasonable” sign laws “will sometimes be struck down” under its approach (internal quotation marks omitted)). Says the majority: When laws “single[] out specific subject matter,” they are “facially content based”; and when they are facially content based, they are automatically subject to strict scrutiny. *Ante*, at 12, 16–17. And although the majority holds out hope that some sign laws with subject-matter exemptions “might survive” that stringent review, *ante*, at 17, the likelihood is that most will be struck down. After all, it is the “rare case[] in which a speech restriction withstands strict scrutiny.” *Williams-Yulee v. Florida Bar*, 575 U. S. ___, ___ (2015) (slip op., at 9). To clear that high bar, the government must show that a content-based distinction “is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” *Arkansas Writers’ Project, Inc. v. Ragland*, 481 U. S. 221, 231 (1987). So on the majority’s view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.*

*Even in trying (commendably) to limit today’s decision, JUSTICE ALITO’s concurrence highlights its far-reaching effects. According to JUSTICE ALITO, the majority does not subject to strict scrutiny regulations of “signs advertising a one-time event.” *Ante*, at 2 (ALITO, J., concurring). But of course it does. On the majority’s view, a law with an exception for such signs “singles out specific subject matter for

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Although the majority insists that applying strict scrutiny to all such ordinances is “essential” to protecting First Amendment freedoms, *ante*, at 14, I find it challenging to understand why that is so. This Court’s decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is “to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail.” *McCullen v. Coakley*, 573 U. S. ___, ___–___ (2014) (slip op., at 8–9) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech “based on hostility—or favoritism—towards the underlying message expressed.” *R. A. V. v. St. Paul*, 505 U. S. 377, 386 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over “name and address” signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just described, when there is any “realistic possibility that official suppression of ideas is afoot.” *Davenport v. Washington Ed. Assn.*, 551 U. S. 177, 189 (2007) (quoting *R. A. V.*, 505 U. S., at 390). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). It is also the case (except in non-public or limited public forums) when a law restricts “discussion of an entire topic” in public debate. *Consolidated*

differential treatment” and “defin[es] regulated speech by particular subject matter.” *Ante*, at 6, 12 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that “the Code singles out signs bearing a particular message: the time and location of a specific event.” *Ante*, at 14.

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Edison Co. of N. Y. v. Public Serv. Comm'n of N. Y., 447 U. S. 530, 537, 539–540 (1980) (invalidating a limitation on speech about nuclear power). We have stated that “[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose ‘which issues are worth discussing or debating.’” *Id.*, at 537–538 (quoting *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may “suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people.” *First Nat. Bank of Boston v. Bellotti*, 435 U. S. 765, 785 (1978); accord, *ante*, at 1 (ALITO, J., concurring) (limiting all speech on one topic “favors those who do not want to disturb the status quo”). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction “raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace”—we insist that the law pass the most demanding constitutional test. *R. A. V.*, 505 U. S., at 387 (quoting *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 116 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that “entirely reasonable” laws imperiled by strict scrutiny can survive. *Ante*, at 14. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public’s debate of ideas—so when “that risk is inconsequential, . . . strict scrutiny is unwarranted.” *Davenport*, 551 U. S., at 188; see *R. A. V.*, 505 U. S., at 388 (approving certain content-based distinctions when there is “no significant danger of idea or viewpoint discrimination”). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must

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sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U. S., at 188 (noting that “we have identified numerous situations in which [the] risk” attached to content-based laws is “attenuated”). In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating “historical, cultural, or artistic event[s]” from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1 (listing exemptions); see *id.*, at 804–810 (upholding ordinance under intermediate scrutiny). After all, we explained, the law’s enactment and enforcement revealed “not even a hint of bias or censorship.” *Id.*, at 804; see also *Renton v. Playtime Theatres, Inc.*, 475 U. S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was “designed to prevent crime, protect the city’s retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views”). And another decision involving a similar law provides an alternative model. In *City of Ladue v. Gilleo*, 512 U. S. 43 (1994), the Court assumed *arguendo* that a sign ordinance’s exceptions for address signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6 (listing exemptions); *id.*, at 53 (noting this assumption). We did not need to, and so did not, decide the

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level-of-scrutiny question because the law’s breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*’s tack here. The Town of Gilbert’s defense of its sign ordinance—most notably, the law’s distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See *ante*, at 14–15 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs “need to be smaller because they need to guide travelers along a route.” Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town’s ordinance under even the intermediate scrutiny that the Court typically applies to “time, place, or manner” speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority’s insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them “entirely reasonable.” *Ante*, at 14. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no

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one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.